



AN ANALYSIS AND INTERPRETATION
OF THE

PROVISIONS of the PRIMARY
ELECTION LAW, CORRUPT
PRACTICES ACT AND THE
FEDERAL ELECTION LAW

By Lewis A. Burleigh
of Augusta, Member
of the Kennebec Bar



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ANALYSIS AND INTERPRETATION
of the
NEW PRIMARY ELECTION LAW, CORRUPT PRACTICES
ACT, AND FEDERAL ACT RELATING TO PUBLICITY
OF CONTRIBUTIONS AND CAMPAIGN EXPENSES.

Compiled by
Lewis A. Burleigh, of the Kennebec Bar.

Prefatory Note: The following compilation is an attempt to answer some of the questions frequently asked with reference to the construction and operation of these three new laws. Members of the legal profession will appreciate the peculiar difficulties attending the task in view of the utter absence of judicial interpretation either in Maine or in Connecticut, from which State we borrowed our Corrupt Practices Act. The compiler asks their indulgence, and that of the general public, for any errors that may be discovered, and corrections will be most gratefully received. His thanks are specially due to Hon. Herbert M. Heath of the Kennebec Bar, without whose valuable and patient criticism and advice the task would never have been undertaken.

MEMORANDUM: See note, paragraph 104, as to 1912 Ballot Law.

PRELIMINARY SUMMARY OF THE THREE ACTS.

The Primary Election Law does away with nominating caucuses and conventions, so far as candidates for United States Senator, Representatives to Congress and to the State Legislature and all State and County officers (other than State officers elected by the legislature) are concerned and provides for their nomination at a primary election to be held biennially at the polls throughout the State on the third Monday of June. Whenever at the regular session of the Legislature next to meet after any primary election one or more United States Senators are to be elected, candidates for that office are nominated at the June primary, and not at Legislative caucuses as heretofore. The act does not apply to city, town or plantation officers, who will continue to be nominated in the usual manner. State, District, and County conventions will still be held, but they cannot, as heretofore, nominate

candidates, their business being confined to the adoption of party platforms, together with other business specified by the statute, or not inconsistent therewith.

The purpose of the Primary Election Law is that each political party shall nominate its own candidates at the June primary to be subsequently voted for in the usual manner at the September election, or, in the case of United States Senators, to be subsequently voted for by the legislature. The June primary is in effect a separate election by each party to determine its own nominees for office, though held at but one time and place. For this reason, except in towns and plantations having 2000 inhabitants or less, voters must not only be registered in the usual way, but must also be enrolled as members of some political party. Any registered voter, however, who has not been so enrolled may be enrolled on primary election day by the ballot clerk.

The duly registered and enrolled voter will be given a ballot of the political party to which he belongs. Each political party will have a separate ballot, different in color from that of other political parties. Having received his ballot, the voter will proceed to vote for the persons whom he desires to be the candidates of his party for the various offices to be filled. The method of marking his ballot differs from that employed at other elections, an important change from the method prescribed by the Australian Ballot Law having been made in this particular. This matter is fully explained in Paragraph 89.

Section 29 of the Primary Election Law reads as follows:

"Sec. 29. Every political party entitled by law to representation upon the official ballot at State elections held biennially on the second Monday in September, or at any special election for State or County officers or for members of Congress or members of the legislature, shall nominate all its candidates for such offices, to be voted for at such elections, under the provisions of this act and not in any other manner."

Observe that the provision is that "political parties" must so nominate. There is not only nothing to prevent the nomination of candidates for the September election by means of nomination papers, as heretofore provided in the Australian Ballot Law, but the Primary Election Law expressly permits this to be done. See Paragraph 9. Such nomination papers entitle the candidate to have his name placed upon the ballot for the September election. They should not be confused with the nomination papers referred to in Section 5 of the Primary Election Law, which are designed to enable the candidate to have his name placed upon the primary election ballot for the June primary. For details of these primary nomination papers, see Paragraph 60. To be effective, the nomination papers must be accompanied by the candidate's written consent, and in this connection a practical suggestion to candidates may not be amiss. When sending out their nomination papers, (which they may procure from the Secretary of State) for circulation, they should not sign in advance the written consent printed

thereon, otherwise the parties circulating the papers might inadvertently return them directly to the Secretary of State, instead of to the candidate, and perhaps involve the latter in some difficulty by overrunning the two per cent maximum limit of signatures prescribed in Section 5 of the Primary Election Law.

The duties, rights and liabilities of candidates are considered at length in paragraphs 60 to 86 inclusive.

The general nature and application of the **Corrupt Practices Act**, and of the **Federal Act**, are pointed out in paragraphs 2, 3, and 4. The last named act imposes certain affirmative duties upon candidates for Representative in Congress and for United States Senator, which will be noted in the appropriate paragraphs of this compilation. As a general proposition, however, the Federal Act applies to persons other than such candidates, and to political committees, only in case of their "influencing or attempting to influence in two or more States the result of an election at which Representatives in Congress are to be elected."

DETAILED ANALYSIS AND INTERPRETATION OF THE LAWS.

IN GENERAL.

1. **Nature of the Primary Election Law**—The Primary Election Law was submitted to popular vote under the initiative provision of the Constitution of Maine, and was adopted by vote of the qualified voters of the state at the special election held on September 11, 1911. On September 28, 1911, it was proclaimed by the Governor, and took effect thirty days after said proclamation. It provides for the nomination of candidates of political parties by primary elections held at the regular voting places throughout the state. These elections are held biennially, on the third Monday of June. The law applies to the nomination of candidates for United States Senator, Representatives to Congress and to the state legislature, and all state and county officers, other than State officers elected by the legislature. It does not apply to the nomination or election of city, town, or plantation officials or to State officers elected by the legislature.

Important Note—In 1911 the legislature passed an Act, approved March 31, 1911, entitled: "An Act to Provide for the Nomination of Party Candidates by Direct Primary." (Public Laws of 1911, Ch. 199). This Act was known as the "Pennell Act." The Primary Election Law which we are considering in this compilation, and which is known as the "Davies Act," was adopted by popular vote at the special election held on Sept. 11, 1911, (See Par. 1). It is an act complete in all respects, and designed to cover the whole subject matter of primary elections. On familiar principles of statutory construction, it must be deemed to have completely superseded and repealed the "Pennell Act." Throughout this compilation, therefore, the "Davies Act" is the primary election law, and the only one, that is considered or discussed.

2. Nature of the Corrupt Practices Act—This act (Chapter 122 of the Public Laws of 1911) has for its object the elimination of corrupt practices at elections, primary or otherwise. It was approved March 29, 1911. Its general scope is thus stated in Section 1:

"The provisions of this act shall apply to the election of all officers for whom ballots shall be cast pursuant to the provisions of chapter six of the revised statutes and to the elections of all officers to be voted for by the legislature or either branch thereof, the board of aldermen, municipal officers, common council or city council of any city, to all caucuses and primary elections preliminary to any such other elections and to all candidates to be voted for at such elections, caucuses and primary elections. The term 'caucuses and primary elections' shall include: (a) all meetings held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating conventions of such delegates; and (c) caucuses of members of the legislature or either branch thereof, of the board of aldermen, common council or city council of any city."

The act was taken bodily, with a few slight changes, and the omission of Sections 13 to 17 inclusive, from Chapter 280 of the Public Acts of Connecticut of 1905. The Connecticut act has been very materially amended at each of the legislative sessions of 1907, 1909 and 1911 in that state. Several of these amendments are quoted and commented upon under appropriate paragraphs in this compilation.

3. Nature of the Federal Act—This act (36 U. S. Statutes at Large, Ch. 392) was approved June 25, 1910, and is entitled: "An Act Providing for Publicity of Contributions made for the Purpose of Influencing Elections at which Representatives in Congress are Elected." It was amended and extended by the act of Congress approved August 19, 1911.

4. Practical Application of the Three Acts—Section 28 of the Primary Election Law repeals all acts or parts of acts inconsistent with or contrary to its provisions. Such portions of the Corrupt Practices Act as cannot be harmonized with its provisions are therefore repealed. The result is that primary elections are governed by the Primary Election Law, together with such provisions of the Corrupt Practices Act as are not inconsistent therewith, and by the Federal Act, so far as applicable. As to all other elections, the Corrupt Practices Act, and the Federal Act, so far as applicable, are in force, but the Primary Election Law has no application thereto.

5. Text of Acts Where Given; Abbreviations—These acts are printed in full at the end of this pamphlet. The letters "P", "C", and "U. S." are used to designate respectively the Primary Election Law (page 30), the Corrupt Practices Act (page 42) and the Federal Act (page 46).

POLITICAL CONVENTIONS.

6. State Conventions—Each party holds a state convention in each year in which a state election is held for the purpose of for-

mulating and adopting a platform (which must be certified to the Secretary of State), electing state, district and county committees, and transacting any other business not inconsistent with the provisions of the Primary Election Law. The convention must be held not less than sixty nor more than ninety days before the third Monday in June. The convention can make no nominations of candidates for office, except in case of the death or withdrawal of a candidate to be voted upon by the voters of the state at large before the gubernatorial election, in which case they may meet and fill the vacancy if the time is sufficient therefor. (P Secs. 2 and 22).

7. District and County Conventions—The Primary Election Law, except as noted below, in no way regulates such conventions. They may formulate and adopt resolutions, and transact any other business not inconsistent with the provisions of Section 2 of the Primary Election Law. They can make no nominations of candidates for office, except in case of the death or withdrawal of a candidate to be voted upon by the voters of the district, or county, as the case may be, before the gubernatorial election, in which case they may meet and fill the vacancy if the time is sufficient therefor. (P Sec. 22).

POLITICAL CAUCUSES.

8. Not Affected by Primary Election Law—The Primary Election Law does not apply to the nomination or election of city, town or plantation officers. Such officers may be nominated at caucuses or otherwise as heretofore, and the provisions of law relative to such caucuses remain in force. Legislative caucuses, however, for the nomination of candidates for United States Senator, are done away with. (P Secs. 1, 7 and 16). But they may still be held for the nomination of State officers to be elected by the legislature.

NOMINATION PAPERS UNDER AUSTRALIAN BALLOT LAW.

9. May Still be Filed.—"Nothing in this act shall be construed as preventing the nomination of candidates under section four of chapter six of the Revised Statutes." (P Sec. 1). The section in question reads as follows:

"Sec. 4. Nominations of candidates for any offices to be filled by the voters of the state at large, may be made by nomination papers signed in the aggregate for each candidate by not less than one thousand qualified voters of the state. Nominations of candidates for electoral districts or divisions of the state, or for municipal or ward officers, may be made by nomination papers signed in the aggregate for each candidate, by qualified voters of such district or division not less in number than one for every one hundred persons who voted at the next preceding gubernatorial election in such district or division, but in no case less than twenty-five. In the case of a first election to be held in a plantation, town or

ward newly established, the number of twenty-five shall be sufficient for the nomination of a candidate who is to be voted for only in such plantation, town or ward; and in the case of a first election in a district or division newly established, other than a plantation, town or ward, the number of twenty-five shall be sufficient. Each voter signing a nomination paper shall make his signature in person, and add to it his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more. The nomination papers shall before being filed, be respectively submitted to the clerks of the cities, towns or plantations in which the signers purport to be qualified voters, and each clerk to whom the same is submitted shall forthwith certify thereon what number of the signatures are names of qualified voters both in the city, town or plantation for which he is a clerk and in the district or division for which the nomination is made; one of the signers to each such separate paper shall swear to the truth thereof, and the certificate of such oath shall be annexed to or made upon the nomination papers."

POLITICAL COMMITTEES IN GENERAL.

10. When Subject to Federal Act—The Federal statute applies to "the national committees of all political parties and the national congressional campaign committees of all political parties and all committees, associations or organizations which shall in two or more states influence the result or attempt to influence the result of an election at which Representatives in Congress are to be elected." (U. S. Sec. 1). If campaign funds are expended for intra-state purposes only, the Federal act does not apply. Committees and their treasurers who do fall within the terms of the act will find their duties and liabilities as to receipts, disbursements and returns fully set forth in the statute. (U. S. Secs. 1 to 7 inclusive, and 11).

STATE COMMITTEES.

11. How chosen—State Committees are chosen by the political parties at their State Conventions. Political parties are defined as those which "at the gubernatorial election next preceding any such primary election polled at least one per cent of the entire vote cast in the state for Governor." (P Secs. 1 and 2).

12. Number and Status of Such Committees—There can be but one State Committee for each party, namely, that chosen as stated in paragraph 11. They are a "political committee" within the meaning of the Corrupt Practices Act, and a "regularly elected general or executive committee" within the meaning of the Australian Ballot Law and the Primary Election Law. (P Secs. 3 and 4; C Sec. 2).

13. Organization—As soon as reasonably practicable after their names have been certified to the Secretary of State, they must organize by the choice of a chairman and secretary, and certify such organization to the Secretary of State. (P Sec. 2).

14. Vacancies How Filled—All vacancies in the State Committees for unexpired terms are filled by the county committees

of the counties wherein such vacancies occur, and due certificate thereof made to the Secretary of State. (P Sec. 2).

15. General Powers and Duties—They may, in addition to the chairman and secretary, elect all other officers deemed needful, hold office until the next state convention, and perform such duties as may be imposed upon them by their respective state conventions. (P Sec. 2).

16. Have Nothing to do with Primaries—They have no duties in connection with primary elections, and no right to expend any money therefor, (P Secs. 18, 19, 21 and 28) except that in certain cases of death or withdrawal of candidates they may fill the vacancy if the time is insufficient for filling it in the manner provided for the original nomination. (P Secs. 6 and 22).

17. Powers and Duties at Other Elections—At state elections other than primaries they conduct the campaign with the same powers and duties as hitherto, except as hereinafter stated.

18. May Solicit Contributions, With Certain Exceptions—They may, except as stated below, solicit contributions for campaign purposes, other than for primary elections, from any persons, candidates included. Such contributions, however, must be received only by the treasurer of the Committee and in the name of the person making the contribution, and disbursed only by such treasurer. See paragraph 22. But a member of the Committee may accept contributions for the treasurer, turning them over to him forthwith, and giving him the name of the donor. In primary elections, no person other than a candidate or his "political agent" can receive or disburse money. See paragraph 16. (C Secs. 3, 4, and 11, c, d, f). A law of the United States prohibits contributions from corporations under the following circumstances (35 U. S. Statutes at Large, Ch. 321, Sec. 83):

"It shall be unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a representative in Congress is to be voted for, or any election by any state legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be fined not more than five thousand dollars; and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both."

19. Effect of Soliciting Contributions Outside of State—Under the Federal law returns of campaign expenditures are required from the treasurers of "all committees, associations or organizations which shall in two or more states influence the result or attempt to influence the result of an election at which Representatives in Congress are to be elected." The mere fact of receiving campaign contributions from outside the state would not impose

upon such treasurers the duty of making the Federal return, provided the committee expended its funds for intra-state campaign purposes only. (U. S. Sec. 1).

20. Should Appoint One or More Treasurers—They should appoint one or more treasurers, and may appoint several, there being no territorial or other limitation in this particular. The appointment may be oral, and the treasurer may legitimately receive and disburse money prior to filing the written designation referred to in paragraph 21, provided the same is filed prior to the election for which he is appointed. The safer practice, of course, is to make the appointment in writing and to file it forthwith, before the treasurer enters upon his duties. (C Sec. 2).

21. Written Designation of Treasurer to be Filed—"No person shall act as any such treasurer....unless, after his appointment and before the election for which he is appointed, a writing designating him as such treasurer . . . shall be filed with the Secretary of State." (C Sec. 2). A separate designation must be filed for each particular period or election during which the treasurer is to serve. (C Sec. 2).

22. Only the Treasurer Can Receive or Disburse Money—Except as stated in paragraph 18, no member of the Committee can lawfully receive or disburse its funds, that right and duty devolving upon the treasurer alone. (C Secs. 3, 4, and 11, d).

23. Returns—No returns of expenditures, &c., are required of the Committee as such, that duty devolving upon the treasurer.

24. Liabilities—There are no liabilities attaching to the members of the committee as such unless they become subject to the provisions of the Federal act in the manner pointed out in paragraph 10, in which case their duties and liabilities will be found in Sections 1 to 6 inclusive, and Section 11 of the Federal statute. For their liabilities as individuals, see paragraph 90.

DISTRICT AND COUNTY COMMITTEES.

25. Powers, Duties and Liabilities—Substituting for the word "State" the words "District" and "County," respectively, the powers, duties and liabilities of District and County Committees are precisely the same as those of the State Committee, paragraphs 11 to 24 inclusive, except as stated in paragraph 26.

26. Cannot Solicit Contributions from Candidates—Owing to a doubtless inadvertent omission in sub-section (c) of Section 11 of the Corrupt Practices Act, neither District, County, Representative-Class or "Candidates" Committees can lawfully solicit campaign funds from candidates. The sub-section in question is one of several which enumerate corrupt practices, and reads as follows:

"Every person, other than the political committees known as the national, congressional, state, town, city or ward, who shall solicit from any candidate for the office of elector of president and vice-president of the United States, of senator of the United States, or Representative in Congress, or of any state, county, town, city, or

ward office, any money, gift, contribution, emolument, or other valuable thing for the purpose of using the same for the support, assistance, benefit, or expenses of any club, company, or organization, or for the purpose of defraying the cost or expenses of any political campaign or election."

It is true that Plantation Committees, also, are not in terms included in the foregoing sub-section, but they would be so included as a matter of construction by virtue of Clause XIX of Sec. 6 of Chapter 1 of the Revised Statutes, which provides that in the construction of statutes, unless inconsistent with the plain meaning of the enactment, "the word 'town' includes cities and plantations, unless otherwise expressed or implied." As to the solicitation of funds from corporations, see paragraph 18.

Remarks—The explanation of these omissions lies in the fact that the section was copied from the Connecticut act (see paragraph 2), in which state the classification of committees is doubtless different from that prevailing in the State of Maine.

CITY, WARD, TOWN, PLANTATION AND REPRESENTATIVE CLASS COMMITTEES.

27. How Chosen—These committees are elected in such manner, and with such tenure of office, as the appropriate political party within such city, ward, town, plantation or representative class may from time to time determine. (P Sec. 3).

28. Number and Status of Such Committees—There can be but one of each of such committees for each party, namely, that chosen as stated in paragraph 27. They are each a "political committee" within the meaning of the Corrupt Practices Act, and a "regularly elected general or executive committee" within the meaning of the Australian Ballot Law and the Primary Election Law. (P Secs. 3 and 4; C Sec. 2).

29. Organization—They organize in such manner as the political party electing them may direct, or in the absence of such direction, as they themselves may determine. They are not required to certify their organization to any public official. (P Secs. 3 and 4).

30. Vacancies How Filled—Each such committee fills all vacancies in its membership. (P Sec. 3).

31. General Powers and Duties—They have such powers and duties as the political party electing them may from time to time determine, together with the statutory duties with reference to political caucuses prescribed in Chapter 6, Sections 101 to 112 inclusive, of the Revised Statutes, as amended. (P Sec. 3). The amended section is Sec. 108, which was amended by Ch. 98, Public Laws of 1907.

32. Must Elect a Chairman and Secretary—In order to comply with the provisions of Section 108 of Chapter 6 of the Revised Statutes (as amended by Ch. 98, Public Laws of 1907), relative to issuing notices of caucuses, it is necessary for such committees, (other than ward committees) in those places where the caucus law is in force, to elect a chairman and secretary. Section 6 of the

Primary Election Law also contemplates the appointment of these officers.

33. Representative Class Committees Cannot Solicit Contributions from Candidates—For reasons stated in paragraph 26 Representative Class Committees are prohibited by law from soliciting campaign funds from candidates, but in other respects they may solicit contributions in the manner and with the limitations stated in paragraph 18.

34. Other Powers, Duties and Liabilities—The powers, duties and liabilities of these various committees in connection with elections in their respective localities, are, except as noted in paragraph 33, the same as those of State Committees as enumerated in paragraphs 16 to 24 inclusive, and except further that the written designation of a treasurer referred to in paragraph 21, is to be filed with the town clerk in all cases except that of representative class committees. In the latter case it should be filed with the clerk of each town of the class, and also, as a matter of precaution, with the Secretary of State. (C Sec. 2).

“POLITICAL COMMITTEES” OF CANDIDATES.

35. How Created—“The term ‘political committee’ shall include every committee or combination of three or more persons . . . to aid or take part in the nomination or election of any candidate for public office.” (C Sec. 2). This is a legal recognition of “candidates’ clubs,” and similar organizations formed in the interests of particular candidates. The statutory definition involves the idea of concerted action as a body or organization, and would not extend to the case of ordinary friends and supporters, who, although they may incidentally consult and plan with one another in the candidate’s interests, yet do their work essentially as individuals. Three or more of such individual friends and supporters, however, may at any time form the “combination” in question, and if they should file a written appointment of a “treasurer” under Section 2 of the Corrupt Practices Act, such treasurer would be the lawful appointee of a “political committee.” (C Sec. 2).

36. Number and Status of Such Committees—There may be any number of such committees, there being no numerical or territorial limitations imposed by the statute. They are “political committees” under the Corrupt Practices Act, but are not “regularly elected general or executive committees” under the Australian Ballot Law and the Primary Election Law. (C Sec. 2; P Secs. 3 and 4).

37. Organization and Filling of Vacancies—These matters are left entirely to the determination of the committee, there being no statutory provision in the premises.

38. They Cannot Solicit Contributions from Candidates—For reasons stated in paragraph 26 they are prohibited by law from soliciting campaign funds from candidates, but in other respects they may solicit contributions in the manner and with the limitations stated in paragraph 18.

39. Powers, Duties and Liabilities—The remaining powers, duties and liabilities of such committees are the same as those of State Committees, as enumerated in paragraphs 16, 19, 20, 21, 22, 23 and 24, except that the written designation of a treasurer referred to in paragraph 21 is to be filed with the Secretary of State, or with the town clerk, respectively, according to whether the candidate they represent is to be voted for at a state election or otherwise. (C Sec. 2).

TREASURERS OF POLITICAL COMMITTEES.

40. How Appointed—Treasurers may be appointed either orally or in writing by any political committee, including political committees of candidates, as described in paragraph 35. (C 2).

41. Must File Written Designation Before Election—“No person shall act as any such treasurer . . . unless, after his appointment and before the election for which he is appointed, a writing designating him as such treasurer . . . shall be filed with the Secretary of State.” The writing must designate the particular period, election or caucus during which such treasurership shall continue. In case the duties of the treasurer relate to any town, city or ward election exclusively, or to any caucus preliminary thereto, such writing is to be filed with the town clerk, instead of with the Secretary of State. The treasurer of a representative class committee should file such written designation with the clerk of each town of the class, and also, as a matter of precaution, with the Secretary of State. (C Sec. 2).

42. May Act Before Filing Designation—A treasurer may legitimately receive and disburse money before filing the written designation referred to in paragraph 41, provided the same is filed prior to the election for which he is appointed. The better and safer course, however, is to file the designation before acting. (C Sec. 2).

43. General Powers and Duties—Their duty is to receive campaign contributions, (but see paragraphs 18 and 26 as to soliciting them from candidates or corporations) and to disburse them under the direction of the committee by whom they were appointed. No persons other than treasurers and “political agents” can receive such contributions. and none but treasurers, “political agents” and candidates may make such disbursements. (C Secs. 3, 4 and 11, d).

44. Have Nothing to do with Primaries—They have no duties or authority in connection with primary elections, and no right to receive or expend any money therefor. Only candidates for the primaries and their “political agents” have such right. (P Secs. 18, 19, 21 and 28).

45. List of Legitimate Expenditures—A treasurer may, in connection with any caucus, or in connection with any election, other than primary, for which he has been appointed, make the following expenditures **and no others**:

- A. For hiring public halls and music for conventions, public meetings and public primaries, and for advertising the same by posters or otherwise.

- B. For printing and circulating political newspapers, pamphlets, and books.
- C. For printing and distributing ballots and pasters.
- D. For renting rooms to be used by political committees.
- E. For compensating clerks and other persons employed in committee rooms and at the polls.
- F. For traveling expenses of political agents, committees and public speakers.
- G. For necessary postage, telegrams, telephones, printing, express, and conveyance charges. (C Sec. 5).

In the following paragraphs an attempt will be made to define and construe some of the terms employed in the foregoing list.

46. "Printing and Circulating Political Newspapers, Pamphlets and Books"—The terms to be construed are as follows:

"Printing and Circulating." This should be construed as "printing or circulating." The purchase and circulation of political newspapers, pamphlets or books printed by others would be a legitimate expenditure.

"Political Newspapers." In ordinary acceptation a newspaper is a publication issued periodically containing the general or current news, and designed to be read by the public generally. But the statute is enumerating expenditures for **campaign purposes**, and construing these words in the light of that purpose it is believed that they would extend to the case of any publication containing favorable political comment, though not devoted mainly, or at all, to current news, and though issued only occasionally or circulated only among a given class of the community.

"Political Pamphlets." A pamphlet is a printed work consisting of sheets, generally few, stitched but not permanently bound, commonly with a paper cover; or a brief treatise or essay on a subject of current interest; specifically, sometimes, any such work not exceeding five sheets (80 pp) and not bound; or a brief manuscript. (Webster's New International, and The Standard, dictionaries).

"Political Books." A book is a printed and bound, or stitched, volume of some bulk, as distinguished from a pamphlet. (C Sec. 5).

47. "Printing and Distributing Ballots and Pastors."—Here, again, the statute should be construed as if it read "printing or distributing." The printing and the distribution are each legitimate expenditures. The "ballots" referred to are, of course, only those for use at party caucuses or meetings, as there would be neither occasion nor right to print the official ballots used at the election. (C Sec. 5).

48. "Compensating Clerks and Other Persons Employed in Committee Rooms and at the Polls."—The terms to be construed are as follows:

“Clerks and Other Persons.” It is unnecessary to consider the meaning of the word “clerks,” for the phrase, taken as a whole, authorizes the employment of persons to serve in any and every capacity, and to perform every variety of service not expressly or impliedly prohibited by the Corrupt Practices Act.

“Employed in Committee Rooms.”—This should not be construed too narrowly. It fairly extends to the case of persons employed by the committee, and acting under its direction, to perform legitimate services largely outside the committee rooms, but having their headquarters, keeping their records, and making their returns at such rooms. For example, a person might be so employed for the purpose of making a “canvass” of the voters to ascertain their political preferences. Such canvassers, however, should be given strict orders not to attempt to influence voters even by persuasion or argument. A person may, of course, do that voluntarily, but it is at least seriously questionable whether he can do so for hire. With the qualifications above suggested, the committee may also employ detectives to ascertain and report upon all attempted violations of the law. The committee may also pay for the services of an attorney called to the committee room for the purposes of advice or consultation.

“Employed at the Polls.” Here, again, the language fairly extends to the case of persons employed by the committee, and acting under its direction, to perform legitimate services in large part away from the polls, but having reference thereto, as, for instance, keeping tally of their party voters and going personally or sending others to procure the attendance of those who have not voted. The bills of persons so sent by them, if any, should be rendered directly to, and paid by, the treasurer of the committee. The committee cannot employ persons at the polls for the purpose of influencing voters by treating them to liquor, cigars, or anything else, such practices being clearly illegal and constituting a criminal offense. Nor can persons so employed for hire attempt to influence voters even by persuasion or argument. (C Sec. 5).

49. **“Traveling Expenses of Political Agents, Committees and Public Speakers.”**—The terms to be construed are as follows:

“Traveling Expenses.” This would include the fare or mileage actually paid, together with the usual incidentals of travel, such as lunches, tips and hotel bills en route, coming and going. “Going” should be limited to the return to the place at which the person first stops on his return for purposes not connected with the election, and not authorized by the committee, unless such stop is merely an incidental break in an otherwise direct return to the place whence he came, in which case the additional expenditures incurred by such stops should not be included. All “stops” in coming should be governed by the same principle.

"Political Agents." A political agent is a person employed by a candidate before any election or caucus to assist him in his candidacy. (C Sec. 2). The meaning here is not that a political committee may pay the expenses of such political agents, but that such agents may themselves pay them.

"Committees." The committees here referred to are the "political committees" as defined by the Corrupt Practices Act, Sec. 2, including "Candidates Committees" as defined in paragraph 35. The meaning here is that the treasurers of such committees may pay the traveling expenses of the members thereof in connection with caucuses and elections.

"Public Speakers." The term needs no definition. It is to be noted that only their traveling expenses, as above defined, can be paid. (C Sec. 5).

Remarks—In 1909 the Connecticut legislature amended this sub-section of their act by adding thereto the words "and reasonable compensation to public speakers." (Ch. 253 of Public Acts of Conn. of 1909).

50. **"Necessary Postage, Telegrams, Telephones, Printing, Express and Conveyance Charges."**—The terms to be construed are as follows:

"Necessary." This is defined by the Standard Dictionary as "that which is indispensable to some determinate purpose." As applied to this act, however, it is believed that a more accurate definition would be: "That which is fairly and reasonably requisite to the accomplishment of any purpose not expressly or impliedly prohibited by the act."

Remarks—The Supreme Court of Connecticut (from which state our Corrupt Practices Act was taken) gives a similarly liberal definition of the word "necessary" in many other connections. See *Bryan vs. Town of Branford*, 50 Conn, 246.

"Express Charges." This would include cartage, trucking and delivery of articles by any vehicle or method of conveyance, whether public or private.

"Conveyance Charges." The traveling expenses of candidates are provided for in Section 4 of the Corrupt Practices Act, and those of political agents, committees and public speakers in a prior sub-section of Sec. 5. As used here, therefore, it means the expenses of getting voters to the polls. It authorizes the employment of vehicles for that purpose, provided the amount paid is fair and reasonable and does not amount to bribery, and provided further that the voter is not so conveyed in consideration of any understanding or agreement that he shall vote for the party at whose expense he is conveyed. The traveling expenses of absent voters, as defined in paragraph 49, may also be paid, if such voter's political preference is well known, if the expense is borne by his own party, and if no suggestion is made as to how he shall vote. The line between what is legal and what is illegal in this connection is not clearly defined, and each individual case would depend upon its own circumstances, and very largely upon whether those

circumstances indicated the presence or absence of an improper motive. In no case is it permissible to pay the voter anything for "loss of time." (C Sec. 5).

Remarks—The foregoing construction of the words "conveyance charges" would seem to be confirmed, to some extent, by the history of the Connecticut statute upon the point. By Chapter 253 of the Public Acts of Conn. of 1909, the words "conveyance charges" were stricken from sub-section (g) and a new sub-section (h) was added, viz: "The conveyance of electors to the polls." This may reasonably be taken to indicate that such had been the practical construction of the previous statute, and that the change was made to settle any doubt which might exist.

51. Incidental Expenses.—An incident, in legal acceptation, is "a thing necessarily depending upon, pertaining to or following another that is more worthy, or principal." For instance, there is no specific authority for the purchase or rental of typewriters, but it would be a legitimate expenditure as incidental to the employment of "clerks in committee rooms." All expenditures are legitimate which are necessarily incidental to those expenditures expressly authorized by the act.

52. Surplus Funds—After the election, treasurers should hold all surplus funds until required for another election, when they, if reappointed, or their duly appointed successors, may use them as hereinbefore stated.

Remarks—By Chapter 240 of the Public Acts of Conn. of 1907, the legislature of that state amended their Corrupt Practices Act by inserting the following section:

"Any unexpended balance remaining in the hands of any political treasurer at the time of making the statement hereinafter provided for shall be properly accounted for in said statement and shall appear as a balance in the next following report of himself or his successor in office. Any treasurer who shall fail to account for such unexpended balance, or who shall fail to turn over such balance to his successor, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment of not less than three months nor more than one year, or by both such fine and imprisonment."

But in 1909 (Ch. 253 of the Public Acts of Conn. of 1909) the foregoing section was repealed.

53. Returns—It is not probable that any political committees in this state will bring themselves within the terms of the Federal act by influencing or attempting to influence, in two or more states, the result of an election at which Representatives in Congress are to be elected. See paragraph 10. In such event, however, they and their treasurers should study the Federal act. (U. S. Secs. 1 to 6 inclusive). But under the Corrupt Practices Act, all treasurers of political committees must, within fifteen days after election, file an itemized sworn statement, upon blanks furnished by the Secretary of State to the town clerks, with the officer with whom their designation was filed, namely, the Secretary of State, or the town clerk, as the case may be. See paragraph 41. The treasurer of a representative class committee should file such statement with the clerk of each town of the class, and also, as a matter of precaution, with the Secretary of State. The statement "shall include the

amount of money or property in each case received or promised, the name of the person from whom it was received or by whom it was promised, the amount of every expenditure made or liability incurred, the name of the person to whom such expenditure or promise was made, and shall clearly state the purpose for which such money or property was so expended or promised." (C Secs. 6 and 9).

Remarks—By an oversight, apparently, no penalty is provided by the Corrupt Practices Act for the failure of treasurers and political agents to make the returns required by Section 6. In Connecticut this omission was supplied by the amendment of 1907 (Ch. 240 of the Public Acts of Conn. of 1907), reading as follows: "Any treasurer or political agent who shall fail to file such a statement within the time required, shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court."

54. Liabilities—Treasurers of political committees are subject to the same penalties as other citizens generally, and in addition thereto, the following: "Every treasurer or political agent who shall knowingly receive a payment or promise of payment, or enter or cause the same to be entered in his accounts, in any other name than that of the person by whom such payment or promise of payment is made," is punishable by a fine of not less than fifty nor more than two thousand dollars or by imprisonment for not less than thirty days nor more than two years or by both. (C Sec. 11, f). In case they come under the Federal act, (see paragraphs 10 and 53) they are also subject to penalties under that act (U. S. Secs. 1 to 6, inclusive, and 11). As to the omission to provide a penalty for failure to make the return required by Section 6 of the Corrupt Practices Act, see "Remarks" under paragraph 53.

POLITICAL AGENTS.

55. Definition and Method of Appointment—A political agent is a person appointed by any candidate before an election, caucus, or primary election, to assist him in his candidacy. A candidate may designate himself as his own political agent. (C Sec. 2).

56. Must File Written Designation Before Election—"No person shall act as any such . . . political agent unless, after his appointment and before the election for which he is appointed, a writing designating him as such . . . political agent shall be filed with the Secretary of State." In case his duties relate to any town, city or ward election exclusively, or to any caucus or primary election preliminary thereto, such writing is to be filed with the town clerk, instead of with the Secretary of State. The writing must designate the particular period, election, caucus or primary election during which such political agency shall continue. (C Sec. 2).

57. Candidates Can Act as Their Own Political Agents—A candidate for a primary or other election may appoint another person as his political agent. (See paragraph 67). He may also appoint himself his own political agent. (C Sec. 2). His powers, duties and liabilities when acting in that capacity are considered under the title "Candidates."

58. Powers, Duties and Liabilities—A political agent acts under the direction of the candidate, and therefore bears to him the same relation that a treasurer bears to the political committee from which he derives his appointment. By substituting “candidate” for “committee,” therefore, and subject to the qualifications of paragraph 67, the powers, duties and liabilities of political agents are the same as those of treasurers, as set forth in paragraphs 42, 43, 45, 46, 47, 48, 49, 50, 51, 53 and 54.

59. Surplus Funds.—After the election, political agents should return all surplus funds to the donors, in the proportion of their respective donations.

CANDIDATES.

60. How and When Nominated—A candidate for United States Senator is “nominated” as a candidate to be voted for at the primary election on the third Monday of June by filing with the Secretary of State, on or before the first Monday in May preceding the election, nomination papers signed subsequent to January 1 of that year by qualified voters of his party, in number not less than one per cent nor more than two per cent of the entire vote cast in the State for Governor in the last preceding state election. With such nomination papers must be filed his consent in writing. The statutory requirements in detail will be found in sections 5 and 6 of the Primary Election Law. (P Secs. 5 and 6). He is “nominated” as the candidate of his party to be voted for by the members of the legislature by receiving the highest number of votes at such primary election in June. (P Secs. 1, 7 and 16). Other candidates are “nominated” for the primary election by nomination papers, and for the September election by the result of the primary election, in like manner, except that the number of signers of nomination papers is based upon the gubernatorial vote cast in the electoral division or district wherein the candidate is to be voted for. (P Secs. 1, 5, 6 and 16).

61. Become “Candidates” When—Under the Primary Election Law, a person is not a “candidate,” in a technical sense, until he files nomination papers and a written consent, as set forth in paragraph 60. For most purposes of the Corrupt Practices Act, he is a “candidate” prior to that time, namely, when he announces himself and solicits support as such, or ratifies and consents to such action taken in his behalf by others. But a candidate for United States Senator is not obliged to make a return under Section 7 of that act (though this is advised as a matter of precaution) unless he shall have received at least ten votes at the regular election by the legislature. (C Secs. 1 and 7).

Remarks—Section 1 of the Corrupt Practices Act contains the following provision: “Any person shall be deemed to be a candidate for the office of Senator of the United States for whom ten or more votes shall have been cast either at a legislative caucus, or at a regular election by the legislature.” This is the language of Sec. 1 of the Connecticut

act, from which the Maine statute was taken bodily. In Connecticut, however, the system of party nominations by direct primaries does not prevail, and the words "primary election" in our Corrupt Practices Act have reference in that state to caucus nominations, etc., accompanied by provisions for party enrollment. In Connecticut, moreover, a United States Senator is nominated at a legislative caucus; in Maine, at a primary election. As applied to the Maine system, therefore, it is believed that the interpretation above given is the only one which will harmonize our Primary Election Law and the Corrupt Practices Act. The Connecticut legislature repealed the provision in question in section 1 in 1909 (Ch. 253 of Public Acts of Conn. of 1909), with the result, apparently, that in that state U. S. Senatorial candidates at legislative caucuses are in all cases required to make returns.

62. Proceedings in Case of Death or Withdrawal—The method of supplying the vacancy created by the death or withdrawal of candidates subsequent to the filing of their nomination papers and before the primary election is provided for in Section 6 of the Primary Election Law; and (in case of candidates for United States Senator) of supplying such vacancy after the primary election and prior to the meeting of the legislature, in Section 23. (P Secs. 4, 6, 21 and 23).

63. Result of Primary Election How Determined—The Governor and Council, by the first Tuesday of July, are required to canvass the primary election returns. The person having the highest number of votes is deemed to have been nominated by his political party. In case of a tie, provision is made for settling the question by lot at the office of the Secretary of State. (P Sec. 16).

64. Primary Election Returns How Corrected—Returns may be corrected by the Governor and Council pursuant to testimony on oath before them for that purpose, if application is made within seven days after the returns are opened and tabulated. No corrections can be made without reasonable notice to the person affected thereby, and during said seven days persons voted for may personally and by or with counsel examine the returns. (P Sec. 16).

65. Candidates to File Acceptance—The Secretary of State must "forthwith notify by registered mail" each person who has been nominated. (P Sec. 16). Within seven days after receiving such notification, candidates are required to send to the Secretary of State by registered mail a written acceptance in the form prescribed by the statute. "The name of any candidate failing to file such acceptance shall not be printed upon the official ballot to be used at the state election, and failure to file such acceptance within said seven days shall be deemed to be a refusal thereof." The candidate's return of expenditures must accompany such acceptance. (P Secs. 16, 17, 18, 20 and 23).

66. Candidates May Organize Clubs—Candidates' clubs, under any title or titles desired, may be organized by or for the candidate. See paragraphs 35 to 39 inclusive. For this purpose a person is a "candidate," whether for United States Senator or otherwise, when he announces himself and solicits support as such or ratifies and consents to such action taken in his behalf by others. See

paragraph 61. Under the Corrupt Practices Act these clubs are technically "political committees." (C Sec. 2).

67. May Appoint Others Their "Political Agents"—A candidate may appoint as many "political agents" as desired, in any place or places in this State, for the purposes of the primary or other election at which he is to be voted for. The better and safer practice, however, so far as primary elections are concerned, is to appoint himself his own "political agent," which he may do, (see paragraphs 55, 56, 57 and 70), and to appoint no others, as he thereby retains complete control of all his expenditures, and eliminates all question of responsibility for illegitimate expenditures by third persons acting as his "political agents." Should the candidate, however, appoint such third persons, he must see to it that they expend no money other than that furnished by himself, and that every expenditure made or liability incurred is with his full knowledge and consent. In elections other than primary, which are governed by the Corrupt Practices Act only, the same necessity for this precaution does not exist. With this qualification as to primary elections, the general powers and duties of such "political agents" are as stated in paragraph 58, and the other paragraphs therein cited.

Remarks—The above qualification as to primary elections, that all expenditures must be from the candidate's own money, and with his full knowledge and consent, results from the interpretation of Sections 18 and 19 of the Primary Election Law. Construed together, they amount to this: First, candidates at primary elections may receive contributions. See paragraph 83. Second, subject to the limitations of Sections 18, 19 and 21, they may make expenditures either personally, or through their duly appointed "political agents." Third, they must have personal knowledge of all expenditures by their political agents, otherwise they would be unable to make the return required by Section 18.

68. Their "Political Agents" May Act Before Filing Designation—The political agents of a candidate (including himself when acting in that capacity) may (subject to the qualifications stated in paragraph 67) receive and disburse money before filing the written designation referred to in paragraph 41, provided the same is filed before the election for which they are appointed. If third persons are appointed, however, the better and safer course is to file their designations before permitting them to act. The appointment itself need not, but preferably should be, in writing. (C Sec. 2).

69. Need Not Officially Appoint Mere Assistants—The term "political agent" involves the idea of power and responsibility in the receipt and disbursement of money. A person not invested with, and not in fact exercising, such power and responsibility, is not a "political agent," and may freely "assist" the candidate in all legitimate ways without "appointment" by the candidate. (C Secs. 2, 3, 4, 5).

70. May Act as Their Own "Political Agents"—A candidate may appoint himself his own "political agent," (C Sec. 2), and may act as such before filing the written designation required by the statute,

provided the same is filed prior to the election. See paragraph 68. For the purposes of a primary election he is advised to so appoint himself, and to appoint no other person. See paragraph 67. Should a candidate for a primary election neglect to appoint himself, or another, his "political agent," it is possible that he might be confined in his expenditures to postage, telegrams, telephones, stationery, printing, express and traveling. This would certainly be true as to candidates for elections other than primaries, which are governed by the Corrupt Practices Act alone. (C Sec. 4).

71. Legitimate Expenditures for Primary Election—In construing Section 18 of the Primary Election Law in connection with Sections 4 and 5 of the Corrupt Practices Act with reference to expenditures, full effect must first be given to the former section. Expenditures falling under the specific headings of Section 18 must be so entered, regardless of the Corrupt Practices Act. (P Sec. 28). But under the title "Miscellaneous" in Section 18, a candidate can include no items which are not legitimate under Sections 4 and 5 of the Corrupt Practices Act. The table of permissible expenditures at primary elections is therefore as follows:

Printing, Clerk Hire, Newspaper Advertising, Hall Rent, Soliciting Agents, and Miscellaneous. Under the title "Miscellaneous," the permissible expenditures are for Telegrams, Telephones, and Express (C Sec. 4), together with all the items enumerated in paragraph 45, so far as they do not fall under the specific headings of Section 18. The items so enumerated in paragraph 45, as defined and construed in paragraphs 46 to 51 inclusive, are equally legitimate expenditures for candidates, substituting for the word "committee" wherever it occurs the word "candidate." Under Section 18 of the Primary Election Law the candidate is not obliged to return his actual personal traveling expenses, postage and stationery, and they form no part of the amounts allowed to candidates under Section 21. An account should be kept of the same, however, for the purpose of return under the Corrupt Practices Act. See paragraph 85, just before "Remarks." For the form of the return under the Primary Election Law, see Section 18. Under each of the specific headings of Section 18, the expenditures must be itemized under the titles of "Name, Date and Amount." Under the heading "Miscellaneous," they must be itemized under the titles "Name, Date, Amount and Purpose."

72. Limitation of Expenditures and Liabilities—There is no limitation upon the amount of legitimate expenditures in elections other than primary. At primary elections, however, the expenditures to be made, and liabilities incurred, must not exceed the following:

For any office to be filled by the voters of the state....	\$1500
Members of Congress.....	500
State senators and county officers, for each ten thousand votes cast for governor within the county at the last preceding gubernatorial election, or fraction thereof..	150

Members of the legislature in representative districts having three representatives or more.....	100
Members of the legislature in other representative districts	50
United States Senator	1500

In addition to these amounts, candidates are entitled to make expenditures for actual personal traveling expenses, postage and stationery, without liability to account therefor under the Primary Election Law, or to include them in their returns under that law. As to the effect of exceeding the foregoing limitations, see paragraph 75.

73.—Ten Per Cent Limit of “Miscellaneous” Items—The aggregate of the items under the heading “Miscellaneous” must not exceed 10 per cent of the total amount permitted. For example, for candidates for Governor, it must not exceed \$150. But an erroneous distribution of legitimate items as between the different headings, and an excess of “Miscellaneous” items over the ten per cent limit would not affect the candidacy, provided the aggregate of all items did not exceed the amount permitted under Section 21. (P Secs. 18 and 21).

74. Liabilities Incurred, or Payments Promised—All liabilities incurred or payments promised in connection with any election are to be accounted for and returned, equally with expenditures. (C Secs. 6 and 7; P Sec. 18).

75. Excessive Expenditures for Primaries Forfeit the Nomination—“Whenever such expenditures and liabilities exceed the foregoing limitations, upon proof thereof to the satisfaction of the Secretary of State, after complaint, notice and hearing, or upon the admission of the fact by the candidate in his return, the finding of such fact by the Secretary of State shall be deemed to be a withdrawal by such candidate and the vacancy shall be filled in like manner as if such candidate had filed a withdrawal in writing.” The words “satisfaction of the Secretary of State” are to be construed as “reasonable satisfaction of the Secretary of State.” Should a candidate feel aggrieved at the decision of that official, there are appropriate common law remedies for invoking the decision of the court. (P Sec. 21).

76. “Clerk Hire”—A clerk, as defined by the Standard Dictionary, is “a person employed to keep accounts or do writing; a hired assistant in an office, counting house, library or the like.” Within the meaning of the statute it would include stenographers, typewriters, persons employed to fold, seal up, or otherwise prepare for distribution correspondence or printed matter, and, in general, all persons employed for hire by the candidate to work under his direction, subject to his control, and in such place as he may direct, upon matters connected with his candidacy, though such service may be largely or wholly manual or mechanical in its nature, provided the services do not fall under some other specific heading, as, for example, “Soliciting Agents.” (P Sec. 18).

77. **"Newspaper Advertising"**—The word "newspaper" should receive the same construction as under the Corrupt Practices Act. See paragraph 46. "Advertising" is thus defined by the Standard Dictionary: "To make known by a public notice, especially by printed statements; publish abroad; commend to the public." It would clearly include all paid matter which the candidate caused to be published in such newspapers in the interests of his candidacy, whether signed by, or purporting to emanate from him, or not. It might also extend to the purchase and distribution of newspapers containing favorable and gratuitous comment, though that would seem to fall more properly under the title "Miscellaneous" as an item of "circulating political newspapers." See paragraphs 46 and 71. In either event, the postage and wrappers used in such circulation would not have to be returned under Section 18, and would constitute no part of the total amount permitted by Section 21. (P Sec. 18).

Remarks—In this connection it is to be noted that the Connecticut legislature in 1909 amended Section 4 of their Corrupt Practices Act (Ch. 253, Public Acts of Conn. of 1909) by adding the words in parentheses: "No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus, or primary election, except that a candidate may pay his own expenses for postage, telegrams, telephones, stationery, printing (the advertising in or distribution of newspapers being excepted), and traveling." This may indicate either an expression of public policy on the question under discussion, or merely that candidates in that state were construing the word "printing" to include matters which were under the jurisdiction of treasurers and political agents under Section 5 of the act, namely, "printing and circulating political newspapers, pamphlets and books."

78. **"Soliciting Agents"**—This refers primarily to the compensation of persons employed in circulating and obtaining signatures to the candidate's nomination papers. A candidate may also personally or through his "political agent" solicit contributions from his friends and supporters other than candidates (see paragraph 83), and if done by the "political agent" with the candidate's knowledge and consent (P Sec. 19), such agent might be properly compensated for his services either under this heading, or under the title "Clerk Hire," if he were also performing other services. (P Sec. 18).

79. **Ante-Nomination Expenditures**—At primary elections a candidate may make all the expenditures specified in paragraph 71 either before or after the filing of his nomination papers, as several of the specifically authorized items clearly contemplate ante-nomination expenditures. (P Sec. 18). At all other elections a candidate prior to nomination, can make expenditures only for postage, telegrams, telephones, stationery, printing, express and traveling; after nomination he may also contribute to treasurers and political agents. (C Secs. 3 and 4).

Remarks—The Connecticut legislature in 1907 liberalized the rule by amending Sec. 4 of the Corrupt Practices Act (Ch. 240, Public Acts of Conn. of 1907) so that the first sentence thereof reads as follows: "Any

person nominated as a candidate for public office, or a candidate for such nomination, may make a voluntary payment of money to any treasurer or political agent for any of the purposes permitted by this act."

80. Can Contribute Campaign Funds to Whom—For the purposes of primary elections a candidate can contribute only to political agents, or to candidates who are their own political agents, and only after he has filed his nomination papers. (C Secs. 3 and 11, d). But a candidate for United States Senator cannot at any time "give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds." (U. S. Sec. 8). At all elections other than primaries candidates other than for the office of United States Senator may, after their nomination, contribute to any treasurer of a political committee or to the political agent of any candidate. Candidates for United States Senator cannot at any time contribute funds either to a candidate for the legislature, or to his political agent.

81. Expenditures for Legal Services—"Nothing contained in this act shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the results of any such election." (C Sec. 3). See also paragraph 48 under the title "Employed in Committee Rooms," which it is believed the court will construe liberally, and under it will permit a candidate at all times to pay for legal advice as to his rights and liabilities. It is possible, also, that they may hold that such advice is not an election expense within the meaning of either the Corrupt Practices Act or the Primary Election Law, and that it need not be returned or accounted for under either act. In the absence of judicial interpretation, however, or until amendment of the law in this particular, candidates are advised to make return of all such expenditures.

82. Expenditures under the Federal Law—The matter of expenditures by candidates for Representative or Senator in Congress is also regulated by the Federal statute. (U. S. Sec. 8).

83. Candidates Who are Their Own "Political Agents" May Receive Contributions—With the qualification as to contributions from corporations and candidates pointed out in paragraphs 18 and 80, candidates (including those for United States Senator) who are their own "political agents" may at all elections, primary or otherwise, solicit and receive contributions from friends and supporters who are not themselves candidates. (C Secs. 3 and 11, c and d; P Secs. 18 and 19). Were it otherwise, one of the main objects of the Primary Election Law would be defeated. Any man who can command support enough to make it worth his while to become a candidate can procure the limited amount of funds permitted under

Sec. 21 of the Primary Election Law, through the contributions of his friends, thereby placing himself on an equal footing with wealthier candidates.

84. Surplus Funds—Candidates who have received contributions in the manner pointed out in paragraph 83, should return all surplus funds to the donors, in the proportion of their respective donations.

85. Returns by Candidates—Candidates must make returns as follows:

- A. As “political agents”, if they have appointed themselves as such, within fifteen days after the election. (C Sec. 6). This means not the primary election, but the ultimate or final election—the September election or, in case of candidates for United States Senator, the legislative election, at which the candidate is finally elected to the office which he seeks. The details of the return are set forth in Sec. 6. It is to be made to the officer with whom the designation of the “political agent” was filed—the Secretary of State, or the town clerk, as the case may be. (C Secs. 2 and 6).
- B. As candidates, to the Secretary of State, or the town clerk, as the case may be, within fifteen days after the ultimate or final election as defined in A above. The details of the return are prescribed by the statute. (C Sec. 7).
- C. As candidates at primary elections, by registered mail to the Secretary of State, accompanied by their acceptance in the form prescribed by statute, within seven days after being notified by the Secretary of State of their nomination. The details of the return are prescribed by the statute. (P Secs. 17 and 18).
- D. As candidates for Representative to Congress, by registered mail to the Clerk of the House of Representatives at Washington, D. C., not less than ten nor more than fifteen days before the primary election in this state in June; also, within fifteen days after such primary election; also, not less than ten nor more than fifteen days before the September election; and also, within thirty days after such September election. The details of these returns are prescribed by the statute. (U. S. Sec. 8).
- E. As candidates for United States Senator, by registered mail to the Secretary of the Senate at Washington, D. C., not less than ten nor more than fifteen days before the primary election in this state in June; also, within fifteen days after such primary election; also, not less than ten nor more than fifteen days before the September election; also, within thirty days after such September election; also, not less than five nor more than ten days before the day upon which the first vote is to be taken in the two houses of the legislature before which they are candidates, and also, within thirty days after the day upon which the legislature shall have elected a Senator. The

details of the returns are prescribed by the statute. (U. S. Sec. 8). As to the days upon which votes are to be taken by the legislature, see U. S. Revised Statutes, Sections 14, 15, 16 and 17.

The returns under A and B above must include the candidate's actual personal traveling expenses, postage and stationery. The returns under C, D and E need not include them. As to the omission to provide a penalty for failure to make return under A, see "Remarks" under paragraph 53.

Remarks—That the "election" referred to in A and B above is the ultimate or final election, is apparent for the following reasons: In Connecticut, from which state our Corrupt Practices Act was taken bodily, there are no direct primaries. Compare "Remarks" under paragraph 61, and the definition of "primary elections" in Section 1 of the Corrupt Practices Act. Furthermore, throughout the act, whenever primary elections (in the limited signification which the term has in Connecticut) are meant to be included, they are always expressly mentioned, e. g., in Section 5.

Again: The Connecticut legislature in 1907 amended Section 6 of the Corrupt Practices Act in this particular (Ch. 240 of the Public Acts of Conn. of 1907) by adding at the end thereof the following: "Separating the expenditures for caucuses, primaries and elections." This clearly indicates that the return is to be made after the final election, and that in such return the expenditures of preceding caucuses and primaries are to be separately stated.

86. Liabilities—In addition to the penalties to which candidates are liable in common with other members of the public, (see paragraph 90) are the following penal provisions applicable to candidates as such:

Failure to File Return—"Any candidate who shall fail to file such a statement shall be fined twenty-five dollars for every day on which he is in default, unless he shall be excused by the court." (C Sec. 7).

Promises to Appoint to Office—"Every person who, in order to secure or promote his own nomination or election as a candidate for public office, shall, directly or indirectly, promise to appoint, or promise to secure or assist in securing the appointment, nomination, or election of any other person to any public position, or to any position of honor, trust, or emolument; provided, however, that any person may publicly announce his own choice or purpose in relation to any appointment, nomination, or election in which he may be called to take part, if he shall be nominated for or elected to any public office." (C Sec. 11, e). Penalty, fine of not less than \$50 nor more than \$2,000, or imprisonment for not less than thirty days nor more than two years, or by both.

Perjury in Returns—"If any statement in said return is wilfully false it shall be deemed to be perjury and shall be punished accordingly." (P Sec. 18). The penalty for perjury (R. S. Ch. 123, Sec. 1) is imprisonment for not more than ten years.

Penalties Under Federal Act—The Federal Act imposes a penalty of not more than one thousand dollars, or imprisonment

not more than one year, or both, for failure to file returns as therein provided; for promises to assist to office in return for the promisee's political support; for candidates for U. S. Senator making expenditures to procure the nomination of any particular candidate for the legislature (see paragraph 80); and for candidates for Representative to Congress and United States Senator exceeding the aggregate amount allowed by the state law in procuring their nomination and election. For details, see the statute. (U. S. Secs. 8 and 11).

VOTERS.

87. Registration for Primary Elections—Only voters who have been properly registered before the primary election occurs are qualified to vote. The basis of such registration is the list of voters used at the last municipal election. This list is subject to correction by the proper authorities in the manner provided for in regular elections. (P Secs. 12 and 25).

88. Enrollment for Primary Elections—In addition to registration, each voter must be enrolled as a member of some political party. Any registered voter, however, who has not been so enrolled, may be enrolled on primary election day by the ballot clerk. In towns and plantations of 2000 inhabitants or less, enrollment by political parties is not required. (P Secs. 11 and 13).

89. Method of Voting at Primary Elections—The voter goes to the polls, as usual, and if properly registered and enrolled (see paragraphs 87 and 88) is given a ballot of the political party to which he belongs. Each party will have a separate ballot, and each party ballot will differ in color from the others. Upon each party ballot under the designation of the office are grouped the names and residences of the candidates of that party for such office, in alphabetical order. At the end of each list of candidates for each office is a blank space or spaces in which the voter may write or paste the name or names of any person or persons not printed on the ballot for whom he desires to vote as the nominee or nominees for such office. He must not erase any names. The voter indicates his choice among the candidates for each office by making a cross in the square **at the right** of the name of the person he prefers for each office. Should the voter desire to vote for some person or persons whose names are not printed on the ballot, he will write or paste the name or names in the spaces provided for that purpose, as stated above, and then make a cross at the right of such name or names. (P Secs. 8, 13 and 14).

90. Liabilities—Voters are subject to the same penal provisions at primary elections to which they now are and heretofore have been subject at other elections. The penal provisions of the Corrupt Practices Act and the Primary Election Law applicable to the public generally will be found in Section 11 of the Corrupt Practices Act, and Section 19 of the Primary Election Law.

Individuals who expend or promise, otherwise than to a political committee, \$50 or more to influence or control, in two or more states, the result of an election at which Representatives to Congress are elected, must file a statement under the Federal law, and are subject to its penalty if they fail to do so. (U. S. Secs. 7 and 11).

As to contributions by corporations, and liability of their officers and directors in connection therewith, see paragraph 18.

PUBLIC AND ELECTION OFFICIALS.

91. Usual Provisions in Force at Primary Elections—All the statutory provisions applicable to regular elections are equally applicable to primary elections, except so far as they have been expressly modified by the Primary Election Law. (P Secs. 14, 26 and 27). Additional provisions are contained in the 1912 act. See paragraph 104.

92. Governor—Provisions relative to the issuance of proclamations by the Governor for a new election in case of the death or withdrawal of a candidate for United States Senator, and for special elections, are contained in Sections 23 and 24 of the Primary Election Law.

93. Governor and Council—The duties of the Governor and Council in relation to canvassing primary election returns, and the approval of accounts for primary election expenditures, are contained in Sections 16 and 30 of the Primary Election Law.

Provisions of 1912 law: Sections 8, 10, 11, 12. See paragraph 104.

94. Secretary of State—Provisions relative to the powers and duties of the Secretary of State in connection with primary and other elections are found in the law as follows:

Duties under 1912 act: Sections 1, 2, 3, 6, 7, 8 9. See paragraph 104.

Filing and preservation of nomination papers: P Sec. 6.

Duties as to ballots, &c: P Secs. 6, 7, 8, 9 and 22.

Transmission of lists for publication: P Sec. 10.

Publication of lists: P Sec. 10.

Furnishing blanks for primary election returns: P Sec. 15.

Furnishing blanks for expenditure statements: C Sec. 9.

Registration of nominations, and notifying candidates: P Sec. 16.

Preservation of expense returns: P Sec. 18.

Passing upon expense returns: P Sec. 21.

95. Mayor and Aldermen—Primary Election Law provisions:

As to primary election warrants: P Sec. 11.

Correction of voting lists: P Sec. 12.

Examining election returns: P Sec. 15.

96. Selectmen:

Duties under 1912 act: Sections 4, 14. See paragraph 104.

Primary election warrants: P Sec. 11.

Correction of voting lists: P Sec. 12.

Furnished with enrollment lists: P Sec. 13.

Attesting election returns: P Sec. 15.

97. Assessors of Plantations:

Duties under 1912 act: Sections 4, 14. See paragraph 104.

Primary election warrants: P Sec. 11.

Correction of voting lists: P Sec. 12.

Attesting election returns: P Sec. 15.

98. Boards of Registration—Primary Election Law provisions:

Preparation of voting lists: P Secs. 12 and 25.

99. City, Town and Plantation Clerks:

Duties under 1912 act: Sections 2, 3, 4, 5, 6, 7, 12, 14. See paragraph 104.

Posting of lists of candidates: P Sec. 10.
 Furnishing enrollment blanks: P Sec. 11.
 Furnishing enrollment lists: P Sec. 13.
 Attesting and delivering election returns: P Sec. 15.

100. Wardens:

Duties under 1912 act: Sections 3, 4, 14. See paragraph 104.
 Furnished with enrollment lists: P Sec. 13.
 Duties at primary elections: P Sec. 15.

101. Ward Clerks:

Duties at primary elections: P Sec. 15.
 Duties under 1912 act: Sections 4, 14. See paragraph 104.

102. Ballot Clerks:

Duties as to enrollment at polls: P Sec. 13.

103. Forms may be Obtained from Secretary of State—The Secretary of State will furnish to candidates, treasurers, political agents and other persons legally interested, printed forms drafted in accordance with the statutes, including nomination papers, notification of appointment of treasurer or political agent, and various forms for return of expenditures under both the Corrupt Practices Act and the Primary Election Law.

104. Note as to New Ballot Law of 1912—Just as this compilation was going to press (March 23, 1912) the bill entitled "An Act to Provide for the Use of Uniform Ballot Boxes and for the Preservation of Ballots Cast at Elections" was enacted at the special legislative session.

It will take effect 90 days after the adjournment of the legislature, which is expected to occur on April 3, 1912. It in no way affects the Corrupt Practices Act, and affects the Primary Election Law only so far as it modifies the provisions of Chapter 6 of the Revised Statutes therein referred to. These modifications are referred to in the note on pages 39, 40 and 41. Following is a summary of the 1912 act.

Section 1. Provides for the use of State Ballot Boxes for each polling place, and prescribes their construction. It modifies R. S. Ch. 6, Sections 41 and 44, referred to in Section 26 of the Primary Election Law.

Section 2. Prescribes the duties of election officers and of town, plantation, ward, district and precinct clerks with reference to the public opening, use and care of such State Ballot Boxes, and imposes a penalty for violation of its provisions. Like Section 1 it modifies R. S. Ch. 6, Sections 41 and 44, referred to in Section 26 of the Primary Election Law.

Section 3. Prescribes the duties of presiding election officers, of city, town and plantation clerks, and of the Secretary of State, with reference to the custody and repair of State Ballot Boxes, and of proceedings in case of their loss or destruction. Violation of its provisions is punished by the penalty provided in R. S. Ch. 6, Section 32, (which is referred to in Section 14 of the Primary Election Law). Like Sections 1 and 2, it modifies R. S. Ch. 6, Sections 41 and 44, referred to in Section 26 of the Primary Election Law.

Section 4. Amends R. S. Ch. 6, Section 25, (referred to in Section 14 of the Primary Election Law) by striking out, (except as to ballots not required to be forwarded to the Secretary of State under Section 6 of the 1912 Act) those provisions of Section 25 which relate to the preservation of ballots by town clerks for six months; also, provides that the result of the election shall be declared in open town or ward meeting, and for the method of seating up in packages, thereafter, of the ballots and check lists, and their return to the city, town or plantation clerk; also, for the form of official endorsement upon such sealed packages by the town, plantation, or ward clerk, by a majority of the selectmen of towns and the assessors of plantations, or by the wardens in cities or voting precincts. Violation of the provisions of this Section is punished by the same penalty as that provided by Section 2 of the Act.

The provision of Ch. 149 of the Public Laws of 1907 (which amended R. S. Ch. 6, Sec. 25) requiring clerks to keep the ballots "securely locked in an iron safe whenever such city, town or plantation shall so provide the same for his use as such clerk", was apparently overlooked, and as it is not included in section 4 of the 1912 Act as recited in extenso, must be deemed to have been repealed.

Section 5. Amends R. S. Ch. 6, Sec. 54, by reducing the time for delivery of election returns by the town clerks to the Secretary of State from thirty days to three days, and by reducing the time for the alternative method of mailing such returns to the Secretary of State, from fourteen days to twenty-four hours.

Section 6. Provides that within twenty-four hours after the State election town clerks shall express the ballots, with seals unbroken, together with an attested copy of their records of the number of ballots furnished each polling place, in sealed boxes, to the Secretary of State, or that within three days after such election they shall deliver such boxes to that official at his office in Augusta; also, for the preservation of such ballots by the Secretary of State for six months. The penalty for violation of the provisions of the section, or for unlawfully breaking such seals is the same as that provided by Section 2 of the 1912 Act.

Section 7. Provides for sending a messenger to towns from which returns or ballots have not been received, the expense of same to be added to the State tax assessed against such towns.

Section 8. Provides for inspection of ballots at the Secretary of State's office by candidates or other interested persons and for the re-sealing of the packages thereafter; also, for the production of the ballots, upon request, before the Governor and Council, the Legislature or either branch thereof, or any committee thereof, or before any court or magistrate having jurisdiction of any proceeding relating to said election.

Section 9. Provides that the Secretary of State shall send suitable seals, forms, blanks and instructions to the several city, town and plantation clerks.

Section 10. Amends R. S. Ch. 6, Section 59, by adding a provision permitting, after notice and hearing, the correction of election returns in accordance with the number of ballots found to have been actually cast, and providing for an examination of the ballots for that purpose.

Section 11. Provides that the act shall be applied in determining the results of votes upon constitutional amendments and upon measures submitted to the determination of the people under the initiative and referendum provisions of the Constitution, "except questions relating to municipal affairs submitted under Section 21 of Part 3 of Article 4 of the Constitution"; also that the Governor and Council may, without application therefor, after the prescribed newspaper notice, examine in open meeting the ballots cast on any such resolve or question.

Section 12. Amends R. S. Ch. 6, Section 42, by extending its provisions, relative to preservation of check lists, to all elections at which the ballots cast are to be returned to the Secretary of State under the 1912 Act, and by providing for the furnishing, by town clerks, of certified copies of such check lists to the Governor and Council, within twenty days after demand.

Section 13. "Nothing contained in this act shall affect the jurisdiction of the Supreme Judicial Court or any justice thereof to entertain proceedings under sections seventy to seventy-four, both inclusive, of chapter six of the Revised Statutes."

Section 14. Neglect to comply with the provisions of Sections 2, 3, 4 and 6 of the act is deemed "wilful and unreasonable" within the meaning of R. S. Ch. 6, Sec. 91 (referred to in Section 26 of the Primary Election Law), unless the contrary is shown.

NOTE—The public will note the possibility, that within 90 days from the adjournment of the Legislature, the referendum may be invoked upon the foregoing act, and the consequent possibility, in such event, of its failure to be ratified by the people.

PRIMARY ELECTION LAW

Adopted by the qualified voters of the State of Maine at the special election held September 11, 1911, proclaimed by the Governor on September 28, 1911, and taking effect thirty days after said proclamation.

AN ACT to provide for nomination of candidates of political parties by primary elections.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Nominations How Made; Political Parties Defined—All nominations of candidates for any state or county office, including United States Senator, member of Congress and member of the state legislature, shall hereafter be made at and by primary elections to be held in accordance with the provisions of this act. The term "political parties," as used in this act, is hereby declared to mean such political parties as at the gubernatorial election next preceding any such primary election polled at least one per cent of the entire vote cast in the state for Governor. Nothing in this act shall be construed as preventing the nominations of candidates under section four of chapter six of the Revised Statutes.

Section 2. Powers and Duties of State Conventions—Not less than sixty nor more than ninety days before the third Monday in June of each year in which a state election is held biennially, the political parties aforesaid shall each hold a state convention with such basis of representation and at such time and place and with such requisites as to call thereof and notice therefor as the state committee of each such political party may determine. All such state conventions first to be held under this act shall be so called by the appropriate state committee in office when this act shall take effect. At any such state convention the political party so represented shall formulate and adopt its declaration of principles, or platform, for the state election then next ensuing, elect a state committee, a district committee for each congressional district, and a county committee for each county, severally of such number and to be elected in such manner as the convention may determine. The chairman and secretary shall thereupon forthwith certify to the Secretary of State the platform so adopted and the names of the members of the committees so elected. Such committees shall thereafterwards, as soon as reasonably practicable organize by the choice of a chairman and secretary and certify such organization to the Secretary of State; they may elect all other officers deemed needful, hold office until their next state convention hereunder, and perform such duties as may be imposed upon them by their respective state conventions. All vacancies for unexpired terms shall be filled by the county committee of the county wherein such vacancy occurs and due certificate thereof made to the Secretary of State. All such state conventions may transact such other business as shall not be inconsistent with the provisions of this act. All State, congressional, district and county committees in office when this act takes effect shall so continue in office until their successors are elected hereunder.

Section 3. Existing Political Committees Confirmed; Tenure; Duties—All the city, ward, town, plantation and representative class committees of the political parties aforesaid in office when this act takes effect shall be recognized as the lawful and regular committees of such

political parties for such cities, wards, towns, plantations and representative classes. They shall continue to hold office until their successors are elected. Their successors shall be elected in such manner and with such tenure of office and duties, as the appropriate political party within such city, ward, town, plantation or representative class may from time to time determine. Each such committee shall fill all vacancies in its membership.

Section 4. When Deemed "Regularly Elected General or Executive Committees"—All committees created, elected or recognized under sections two and three of this act shall be deemed to be regularly elected general or executive committees within the meaning of section eight of chapter six of the Revised Statutes and of all provisions of this act.

Section 5. Nomination Papers How Signed and Verified—Nominations for places on the ballots to be used at primary elections shall be made for each of the political parties entitled as aforesaid to representation thereon by nomination papers signed in the aggregate for each candidate of each political party by qualified voters within the electoral division or district, wherein such candidate is to be voted for, in number not less than one per cent nor more than two per cent of the entire vote cast for governor in the last preceding state election in the state at large, if the office for which such candidate is to be voted for is to be filled by the voters of the state at large or is for the office of United States Senator, otherwise not less than one per cent nor more than two per cent of such gubernatorial vote within the electoral division or district wherein such proposed candidate is to be voted for. All such nomination papers shall besides containing the names of the proposed candidates specify as to each, first, the name of the office for which he is proposed as a candidate; second, the political party which he represents; third, his place of residence. There shall not be in any nomination paper the name of more than one candidate proposed for nomination. Nomination papers shall be signed by members of the political party named therein for which the nomination is made. Each voter signing a nomination paper shall make his signature in person and add to it his place of residence. Each voter may subscribe his name to one nomination for a candidate for each office to be filled, and no more, except in cases where the office is to be filled by more than one person and in such cases only to the extent of such number. One of the signers to each such separate paper, or the person circulating the same, shall make oath thereon, or by certificate of oath annexed thereto, that he believes the signatures are genuine and that the persons signing are members of the political party named therein and that they reside within the electoral division or district for which the nomination is proposed. The State at large shall be considered an electoral division within the meaning of this section.

Section 6. When to be Signed and Filed; Written Consent; Filling of Vacancies—No such nomination papers shall be signed before the first day of January of the year in which such primary election is to be held and all such nomination papers shall be filed with the Secretary of State on or before the first Monday of May of said year. With such nomination papers there shall also be filed the consent in writing of the persons so proposed thereby as candidates, agreeing to accept the nomination if nominated at the primary election, not to withdraw, and, if elected at the state election, to qualify as such officer. Such nomination papers so filed, and being in apparent conformity with the provisions hereof, shall be deemed to be valid; and, if not in apparent conformity, they may be seasonably amended under oath. In case any person who has been duly proposed as a candidate under the provisions hereof shall die before the day of the primary election, or shall withdraw in writing, so that the nominations shall be less than the number of the candidates required to be voted for by law, the vacancy may be supplied in the manner herein provided for such original nomination; or, if the time is insufficient therefor, then the vacancy may be sup-

plied by the appropriate committee of the state, district, county, city, town, plantation or representative class by which such office is to be elected. The certificates of nomination made for supplying such vacancy shall state, in addition to the other provisions required by this act, the name of the original candidate proposed, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the Chairman or Secretary of the duly authorized committee, if the vacancy is filled by committee. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or slips containing the new nomination shall be printed under the direction of the Secretary of State, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

All nomination papers when filed shall forthwith be opened and kept open under proper regulations to public inspection and the Secretary of State shall preserve the same in his office not less than one year.

Section 7. United States Senators to be Nominated at Primaries—Whenever at the regular session of the legislature next to meet after any primary election, so to be held as aforesaid biennially on the third Monday in June, one or more United States Senators are to be elected, the nominee, or nominees, for such office or offices of each political party shall be chosen at such primary election. Nominations therefor shall be made and filed as hereinbefore provided. Where but one United States Senator is so to be elected, the nomination papers and official ballot shall specify simply the office of United States Senator. When, however, two United States Senators are so to be elected, the nomination papers and ballots shall by apt words designate the respective terms for which they are to be nominated.

Section 8. Ballots How Prepared—Every ballot which shall be printed in accordance with the provisions of this act shall contain the names and residences of all candidates whose nominations have been duly proposed hereunder for any office specified in the ballot, and not withdrawn in accordance herewith, and the office for which they have been severally proposed through the nomination papers filed as aforesaid, and shall contain no other names. The order of offices shall be the same as in the regular September election, except that when nominations for United States Senators are to be made, said office of United States Senator shall be first on said ballots. The name of each person for whom as a candidate for nomination a valid nomination has been filed shall be printed on the ballot in but one place. The names of the candidates for nomination to each office shall be arranged under the designation of the office in alphabetical order, according to surnames. There shall be left at the end of each list of candidates for nomination to each office a blank space or spaces, in which the voter may write or paste the name or names of any person or persons not printed on the ballot for whom he desires to vote as a nominee or nominees for such office, the number of blank spaces so left to be equal to the number of nominees to be selected for such office. The ballot shall be printed so as to give each voter a clear opportunity to designate his choice for candidates for nomination by making a cross (X) to the right of the name of each candidate he wishes to vote for as a nominee to each office; and on the ballot shall be printed such words as will aid the voters to do this, "Vote for one," "Vote for two," and the like. At the top of the ballot there shall be printed in capital letters, "Make a cross (X) in the square to the right of the name of the person you wish to vote for. Follow directions as to the number of candidates to be marked for each office. Add names by writing or pasting stickers in blank spaces and mark cross (X) to right of such names. Do not

erase names." The ballots shall be printed on tinted paper, of a separate tint for each political party, white for the party casting the highest vote for Governor at the last preceding state election, yellow for the second highest, blue for the third highest, green for the fourth highest, other colors for others if any, and brown for specimen or sample ballots. They shall be of uniform size for all political parties and folded before distribution in marked creases so as to be of uniform length and width and conceal the interior contents. On the back shall be printed so as to be visible when folded, "Official Nominating Ballot," followed by the designation of the polling place for which the ballot is prepared, the date of the primary election and a fac-simile of the signature of the Secretary of State.

Section 9. Election Expenses How Defrayed—All ballots, printed notices, sample ballots and cards of instructions shall be furnished by the Secretary of State, at the expense of the State, in the same manner as in the case of regular elections. All the expense of the calling and holding of the primary elections and the making and forwarding of the returns thereof shall be paid for by the municipalities. All other expenses hereunder shall be borne by the State.

Section 10. Posting and Publishing Lists of Nominations—The Secretary of State shall fourteen days at least previous to the day of any primary election transmit to the clerks in each city, town and plantation printed lists containing the names, residences and party or political appellations of all candidates proposed for nomination as herein provided for such election and to be voted for at each polling place in each such city, town and plantation respectively substantially in the form of the ballot to be used therein; and the clerks shall immediately cause the lists for each plantation, town or ward, as the case may be, to be conspicuously posted in one or more public places in such plantation, town or ward. The Secretary of State shall likewise cause to be published prior to the day of any such election hereunder, in at least two newspapers, if there be so many, printed or published in each county, representing so far as practicable, the political parties which, at the preceding gubernatorial election, cast the largest and next largest number of votes, a list of all the nominations proposed, as herein provided and to be voted for hereunder in such county, so far as may be in the form in which they shall appear upon the general ballots. New nominations proposed as hereinbefore provided, to fill vacancies, shall be transmitted, posted and published promptly, and so far as practicable in the manner herein directed, and communications transmitted as herein directed by the Secretary of State to any clerk shall be duplicated on the succeeding day.

Section 11. Form, and Posting, of Election Warrants—Not less than seven days before the third Monday of June preceding a biennial state election, the selectmen of every town, by their warrant, shall notify and warn all legally qualified voters to attend at the regular voting places on the third Monday in June for the purpose of voting for persons to be nominated by their respective political parties as candidates to be voted for on the second Monday in September then next ensuing. Said warrant shall be in substance as follows:

PRIMARY ELECTION WARRANT.

State of Maine:

ss.

County of

To the legal voters of the town of

You are hereby notified that the primary election in this town, of all political parties, entitled by law to nominate candidates for the next election, will be held at, on Monday, June next, for the purpose of nominating candidates for the following offices to be voted for at the election to be held on the second Monday in September next (and when such is the fact add "and for choice of

candidate, or candidates, for United States Senator to be elected by the Legislature next to convene in regular session”), viz:

(Here follow the officers to be nominated.)

The polls will be open at twelve o'clock, noon, and continue open until nine o'clock in the afternoon, when they will close. (To be changed from nine o'clock to six o'clock in towns of three thousand inhabitants or less.)

Voters not enrolled as members of a political party entitled to nominate candidates will not be permitted to vote. But voters entitled to enrollment may cause themselves to be enrolled at the polling places during the primary election on taking and subscribing the oath required by law.

Enrollment blanks will be furnished by the town clerk on application.

Dated at this day of June, 19 ..
.....
.....
.....
Selectmen of

Such warrants shall be posted in the manner required by law for warrants for the state election. Like warrants shall be issued by the mayor and aldermen of cities and the assessors of plantations, with appropriate changes and posted in like manner. In plantations and towns of two thousand inhabitants or less the provisions as to enrolled voters and enrollment shall be omitted. The meetings shall be opened and closed as stated in the form of the warrant foregoing. In all such warrants appropriate provisions shall be inserted calling the attention of voters to opportunities for correction of lists of voters by selectmen, municipal officers or boards of registration in the manner required by law.

Section 12. Qualification of Voters How Determined—In all such primary elections the qualifications of voters in towns and cities of any size shall be determined by the lists of voters used at the municipal elections in said towns and cities next preceding the primary election corrected as follows: In towns having five hundred or more registered voters and in all cities having less than four thousand inhabitants, the municipal officers shall exercise the powers enumerated in section forty of chapter five of the Revised Statutes except that applications shall be received only on the two secular days next preceding the day of the primary election. In towns having less than five hundred voters, the municipal officers shall exercise the powers of section forty-one of chapter five of the Revised Statutes. In cities having four thousand or more inhabitants the correcting of said lists shall be governed by chapter five of the Revised Statutes. In plantations the qualifications of voters, as aforesaid, shall be determined by the lists of voters used therein at the last preceding state election corrected in the manner provided by section forty-one of chapter five of the Revised Statutes.

Section 13. Voters Enrolled How; Method of Voting—No person shall vote at any primary election unless a legally qualified voter at such voting place, as required by the preceding section, and, in all cities and in towns of two thousand inhabitants or more, enrolled as qualified to vote in the caucuses of his political party in the manner provided by the general or special laws applicable to said cities, or any of them, or to said towns. The selectmen of towns and the wardens of wards in cities shall be seasonably furnished by the town or city clerk, or other official charged with the duty of preserving the same, with duly certified copies of all enrollment lists, arranging each political party separately and its names of voters therein alphabetically. If not therein enrolled any voter qualified by law and this act as a legal voter at such voting place, may be enrolled after subscribing and making oath before a ballot clerk to the statement as required by chapter six, sec. one hundred and three, Revised Statutes, and the duties imposed upon

the secretary of a caucus by said section shall be performed by such ballot clerk. A suitable number of such statements shall be furnished at each voting place by the city or town; if the number be insufficient, or none be furnished, the statement aforesaid may be sworn to as aforesaid and return thereof made in like manner as if the same had been subscribed. At the polling places in the cities and towns aforesaid each person applying to vote shall give his name, residence, party affiliation, and place of last enrollment, if any; if already enrolled in the precinct he shall be given a ballot of his party, his name shall be checked on the enrollment list; and he shall be admitted to the voting booth and vote. If not enrolled and then enrolled as hereinbefore provided, he shall be given a ballot of his party, checked and may vote as aforesaid. In plantations and towns having less than two thousand inhabitants, enrollment shall not be necessary and any voter, legally qualified to vote therein, shall, upon giving his name and party affiliation, be given a ballot of his party, his name checked upon the voting list and he shall be admitted to the voting booth and vote. No ballot shall be received containing any distinguishing mark or figures thereon other than as herein expressly permitted.

Section 14. Existing Laws Made Applicable; Where Cross is to be Placed—Except as modified or superseded by this act, sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-nine, thirty, thirty-one, thirty-two and thirty-three of Chapter six, R. S., shall apply, so far as necessary thereto, to primary elections, except, however, that in designating his choice of candidates the voter shall mark a cross (X) in the square to the right of the name of each person that he desires to vote for, and the voter, if desirous of voting for any person whose name is not printed upon the ballot, may do so by writing or pasting such name or names in the blank spaces left therefor and marking a cross (X) to the right of such name or names.

Section 15. Counting of Ballots; Election Returns and Records—The Secretary of State shall seasonably furnish blanks for all voting places on which to make the returns required hereunder. The names of the candidates shall be printed thereon substantially as in the nominating ballot and in the space made for the purpose following each name shall be there entered the number of votes received in that polling place by each candidate. The ballots shall be sorted and the result declared in open plantation, town and ward meetings. Such record shall be separately made for the political parties respectively having proposed nominees upon the ballot and shall give the number of votes lawfully cast for each of the nominees thereon, following as near as practicable the order of the political parties, officers and nominees thereon, so as to give the detailed result of such voting. Returns thereof shall be attested by the selectmen and town clerk, in towns, and by the assessors and clerk in plantations, in like manner as at the biennial election for Governor. Such clerks shall cause the returns aforesaid to be delivered at the office of the Secretary of State, by mail or otherwise, within seven days after such primary election and if not so delivered within said seven days like proceedings shall follow as provided by Chapter six, sections fifty-five to fifty-eight, both inclusive, of the Revised Statutes. In cities, the warden shall preside, as required by law at state elections, receive the votes of all qualified voters present, and, as herein required in case of town meetings, sort, count and declare the results in open ward meetings, and in the presence of the ward clerk, who shall make return and a record thereof, as in towns, and a fair copy of the record shall be attested by the warden and the ward clerk, sealed up in open ward meeting and delivered to the city clerk, within twenty-four hours after the closing of the polls. And the aldermen of each city shall be in session within twenty-four hours after the close of the polls in such meetings, and in the presence of the city clerk shall open, examine and compare the copies from the lists of votes given in in the several wards, of which the city clerk shall make a record and a return thereof shall be made into the office of

the Secretary of State in the same manner as selectmen of towns are required to do hereunder.

Section 16. Result of Election How Determined; Corrections—The Governor and Council by the first Tuesday of July in each year in which a primary election is held hereunder, shall open and compare the votes so returned hereunder, and have the same tabulated, and may receive testimony on oath to prove that the return from any city, town or plantation does not agree with the record of the vote of such city, town or plantation, in the number of votes or the names of the persons voted for, and to prove which of them is correct; and the return, when found to be erroneous, may be corrected by the record. No such correction can be made without application within seven days after the returns are opened and tabulated, stating the error alleged, nor without reasonable notice thereof given to the person affected by such correction, and during said seven days any person voted for may personally, and by or with counsel, examine said returns in the presence of the Governor and Council, or either of them, or any member of the Council, or the Secretary of State. The person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office, provided, that when a tie shall exist between two or more persons for the same nomination by reason of said two or more persons having an equal and the highest number of votes for nomination by one party to one and the same office, the Secretary of State shall give notice to the several persons so having the highest and equal number of votes to attend at the office of the Secretary of State at a time to be appointed by said Secretary, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated by his party with like effect as if there had been no such tie. To ascertain what persons have received the highest number of votes, the Governor and Council shall count and declare for any person all votes appearing by said returns to have been intentionally cast for him, although his name upon the return is misspelled or written with only the initial or initials of his christian name or names, or with wrong initials or otherwise as the case may be; and they may hear testimony upon oath, in relation to such returns, in order to get at the intention of the voters and shall decide accordingly. When a return is defective by reason of any informality, an attested copy of the record may be substituted therefor.

The Secretary of State shall enter in a register of nominations, to be kept by him for the purpose, the nominations for each party so ascertained, and shall forthwith notify by registered mail each person who is so nominated.

Section 17. Candidate's Failure to File Acceptance Deemed Refusal—Every candidate, so nominated and notified as aforesaid, shall within seven days after the receipt of such notification, send to the Secretary of State, by registered mail, the following acceptance:

To the Secretary of State:

I,, of, hereby accept the nomination to the office of, made at the primary election June, 19

The name of any candidate failing to file such acceptance shall not be printed upon the official ballot to be used at the state election and failure to file such acceptance within said seven days shall be deemed to be a refusal thereof.

Section 18. Candidate's Return of Expenditures—Each candidate, so nominated, shall, with such acceptance, send to the Secretary of State the following return by him subscribed and sworn to:

RETURN OF EXPENDITURES.

To the Secretary of State:

I,, of, nominated for the office of, at the primary election held on June 19 , on oath depose and say that the following is a true and perfect return of all expenditures by me made, or liabilities by me incurred for any purpose whatever, except my actual personal travelling expenses, postage and stationery, in connection with my said nomination, or the procurement thereof, before, at, or since said primary election.

The total amount thereof was..... \$.....

The aforesaid amount is made up of the following:

Printing	\$.....
Clerk Hire	\$.....
Newspaper Advertising	\$.....
Hall Rent	\$.....
Soliciting Agents	\$.....
Miscellaneous	\$.....
Total	\$.....

Of the above, the following are itemized:

PRINTING.

Name.	Date.	Amount
(The subdivisions of Clerk Hire, Newspaper Advertising, Hall Rent and Soliciting Agents shall follow the foregoing form.)		

MISCELLANEOUS.

Name.	Date.	Amount.	Purpose.
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I further depose and say that no person, firm or corporation has with my knowledge and consent paid any sum, or incurred any liability, to procure, or to aid in procuring, my nomination aforesaid.

Dated A. D. 19 ..

State of Maine.

County, ss.

..... A. D. 19 ..

Personally appeared and made oath that the foregoing return by him signed is true.

Before me,

.....
Justice of the Peace.

If any statement in said return is wilfully false it shall be deemed to be perjury and shall be punished accordingly. No expenditures shall be so made, or liabilities be so incurred except for the purposes named aforesaid in said return and the subdivision of "Miscellaneous" shall not exceed ten per cent of the total amount hereinafter permitted.

The returns aforesaid shall be open to public inspection for one year and then be destroyed.

Section 19. Third Persons Prohibited from Making Expenditures—

No person, firm or corporation shall directly or indirectly or by any device whatsoever pay any sum, or incur any liability, to procure or to aid in the procurement of the nomination of any candidate so to be voted for as aforesaid at any primary election without the knowledge and consent of such candidate. Whoever violates the provisions of this section forfeits five hundred dollars to be recovered by indictment.

Section 20. U. S. Senatorial Candidates to File Acceptances and Returns—Candidates chosen for United States Senators, as aforesaid, shall file like acceptances and make like returns. If any such candidate fails so to do, his nomination at the primary election shall be deemed to be void.

Section 21. Limitations of Expenditures; Effect of Exceeding Them—

The expenditures to be made, and liabilities incurred, for which returns are to be made as hereinbefore provided, shall not exceed in

amount for each candidate the following: In case of nominations for any office to be filled by the voters of the state one thousand five hundred dollars, for members of Congress five hundred dollars, for state senators and county officers one hundred and fifty dollars for each ten thousand votes cast for governor within the county at the last preceding gubernatorial election or fraction thereof, for members of legislature in representative districts having three representatives or more one hundred dollars, in other representative districts fifty dollars, for United States Senator one thousand five hundred dollars. Whenever such expenditures and liabilities exceed the foregoing limitations, upon proof thereof to the satisfaction of the Secretary of State, after complaint, notice and hearing, or upon the admission of the fact by the candidate in his return, the finding of such fact by the Secretary of State shall be deemed to be a withdrawal by such candidate and the vacancy shall be filled in like manner as if such candidate had filed a withdrawal in writing.

Section 22. Vacancies by Death or Withdrawal How Filled; Change in Ballots Thereupon—In case any candidate, except for the United States Senate, who has been duly nominated as the result of any primary election hereunder, shall die before the day of the gubernatorial election, or shall withdraw in writing, the vacancy may be supplied by the political party of such nominee by any convention of delegates or appropriate caucus, under the provisions of Sections two, three and seven of Chapter six of the Revised Statutes, or, if the time is insufficient therefor, then the vacancy may be supplied by the regularly elected state, congressional district, county, town, city, plantation or representative class committee, as the case may be, of such political party. The certificate of nomination, made for supplying such vacancy, shall state, in addition to the other facts required by this section, the name of the original nominee, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the convention or caucus, or by the chairman or secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or slips containing the new nomination shall be printed under the direction of the Secretary of State, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

Section 23. Vacancy in U. S. Senatorial Candidacy Filled by New Election—In case any nominee for United States Senator, nominated hereunder, shall die before the meeting of the legislature at which such office is to be filled, or shall before that time withdraw in writing, a state primary election shall be ordered by proclamation of the Governor, at such date as he deems best, conforming as near as may be practicable to the provisions of this act, but in that event the Governor in said proclamation shall fix the time within which and when the returns shall be received and the result declared. Candidates so chosen shall be subject to the provisions of this act regulating acceptances and returns by candidates for United States Senator.

Section 24. Special Elections to be Preceded by Primaries—When special elections are to be held for any office as required or permitted by law, primary elections for the nomination of candidates to be voted for thereat shall be held at such time as shall be ordered by the Governor by proclamation and, so far as practicable, all the provisions hereof shall be applicable thereto. Candidates so nominated shall file acceptances and returns of expenditures as hereinbefore provided.

Section 25. Law as to Registration of Voters Made Applicable—Except as modified or superseded by this act, and so far as the same may be necessary for the purposes hereof, and where not inconsistent herewith, Chapter five of the Revised Statutes, and all acts additional thereto and amendatory thereof, are hereby made applicable to primary elections.

Section 26. Provisions of Australian B. Law Made Applicable—Except as modified or superseded by this act, and so far as the same may be necessary for the purposes hereof, and where not inconsistent herewith, the following sections of Chapter six of the Revised Statutes with all acts additional thereto and amendatory thereof, are hereby made applicable to primary elections and all doings, therefor, thereat, or thereafter, for the purposes thereof and of this act: Sections eleven, twelve, thirteen, sixteen, eighteen, nineteen, twenty, twenty-one, twenty-two, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-four, sixty-one, sixty-two, sixty-three, sixty-four, seventy-five, seventy-six to one hundred, both inclusive, one hundred and eighteen to one hundred and twenty-two, both inclusive, and one hundred and thirty-three to one hundred and thirty-six, both inclusive.

Section 27. Election Proceedings Conform to Those at Regular Elections—In construing the provisions of this act and of all sections of the Revised Statutes, with all acts additional thereto and amendatory thereof, hereby made applicable as aforesaid to the primary elections to be held hereunder, and to all matters herein contained before and after such primary election, material to the purposes thereof, they shall, as to the duties of officers, forms, blanks, ballots, elections, warrants, returns, and all other matters, so far as necessary for accomplishing the purposes of this act, be understood and interpreted as though said primary election is a separate election for each political party making its nominations hereunder, and to be conducted as to that party as nearly as practicable the same as the regular biennial state elections in September are conducted for all the electors except in so far as the manner of proceeding before, at and after said September election may be modified or changed by this act for the purposes of said primary elections. The provisions of this act do not modify or in any manner control the proceedings at the regular biennial state elections except in so far as they may be herein expressly and directly amended.

Section 28. Inconsistent Acts Repealed—All acts or parts of acts inconsistent herewith or contrary to the provisions of this act, are hereby repealed.

Section 29. Certain Nominations to be Made by Primaries and Not Otherwise—Every political party entitled by law to representation upon the official ballot at state elections held biennially on the second Monday in September, or at any special election for state or county officers or for members of Congress or members of the legislature, shall nominate all its candidates for such offices, to be voted for at such elections, under the provisions of this act and not in any other manner.

Section 30. Approval and Payment of Expenditures by State—All accounts for expenditures by the state hereunder shall be approved in the manner required by law and after approval the Governor and Council shall draw their warrant against any money in the treasury not otherwise appropriated in payment thereof.

NOTE AS TO STATUTORY REFERENCES IN PRIMARY ELECTION LAW.

There are numerous references in the foregoing act to sections of the Revised Statutes, in some instances without any indication of the nature of the sections so referred to. For the convenience of readers, the following list is appended, showing the general nature of such sections.

PRIMARY ELECTION LAW

SECTION 1. Refers to **R. S. Ch. 6, Sec. 4**, which provides for nominations by means of nomination papers. See this section in full, in paragraph 9 of this compilation.

SECTION 4. Refers to **R. S. Ch. 6, Sec. 8**, which provides for the filling of vacancies after nomination and before election. In certain contingencies there specified, the vacancy is to be filled by a "regularly elected general or executive committee" representing the party or persons holding the nominating convention or caucus.

SECTION 12. Refers to **R. S. Ch. 5, Sec. 40**, which provides for the registration of voters by the municipal officers in towns of 500 or more registered voters, and cities having less than 4000 inhabitants.

Also, to **R. S. Ch. 5, Sec. 41**, which provides for registration by the municipal officers in towns of less than 500 voters.

Also, to **R. S. Ch. 5**, which, as to cities having 4000 or more inhabitants, provides for registration by boards of registration.

SECTION 13. Refers to **R. S. Ch. 6, Sec. 103**, which provides for record of enrollments by the town clerk, the providing of enrollment blanks and books, the enrollment at a caucus by subscribing and making oath before the chairman, the subsequent indorsement of the facts on such enrollment by the secretary of the caucus, and its return by him to the town clerk for entry in the enrollment list.

SECTION 14. Refers to **R. S. Ch. 6, Sec. 23**, which provides that the voter shall give his name to the ballot clerk, that he shall thereupon be given a ballot and his name checked.

Also, to **R. S. Ch. 6, Sec. 24**, which specifies in detail the method of voting, including the use of stickers, under the Australian Ballot Law.

Also, to **R. S. Ch. 6, Sec. 25**, which provides for the voter obtaining new ballots for those spoiled, for counting the ballots, and for the preservation of canceled and unused ballots and the check lists, with penalty for tampering with same. (Amended by Ch. 149, Public Laws of 1907. Further amended by Section 4 of 1912 act. See paragraph 104).

Also, to **R. S. Ch. 6, Sec. 26**, which provides for assistance to voters who are unable to mark their ballots.

Also, to **R. S. Ch. 6, Sec. 27**, which provides for the various cases in which ballots shall not be counted. (Amended by Ch. 71, Public Laws of 1911).

Also, to **R. S. Ch. 6, Secs. 29, 30, 31, 32 and 33**, which provide penalties for various offenses in connection with elections. (As to Section 32, see Section 3 of 1912 act, paragraph 104).

SECTION 15. Refers to **R. S. Ch. 6, Secs. 55 to 58, inclusive**, which provide for prosecution of clerks failing to make return to the Secretary of State within 30 days after the election, and for supplying lost returns by a duly certified copy of the record.

SECTION 22. Refers to **R. S. Ch. 6, Sec. 2**, which provides that candidates may be nominated by conventions, caucuses, or (by nomination papers) individual voters.

Also, to **R. S. Ch. 6, Sec. 3**, which provides for certificates of nomination by conventions and caucuses.

Also, to **R. S. Ch. 6, Sec. 7**, which provides that certificates of nomination, if apparently conforming to the law, are valid, and if not, for their amendment under oath.

SECTION 25. Refers to **R. S. Ch. 5**, which provides for the registration of voters.

SECTION 26. Refers to **R. S. Ch. 6, Sec. 11**, which provides how ballots shall be folded, and for a record of the number furnished.

Also, to **R. S. Ch. 6, Sec. 12**, which provides for the number of ballots to be furnished each voting place. (Amended by Ch. 135, Public Laws of 1905).

Also, to **R. S. Ch. 6, Sec. 13**, which provides for cards of instruction and specimen ballots.

Also, to **R. S. Ch. 6, Sec. 16**, which provides for furnishing two sets of ballots, together with specimen ballots and cards of instruction, receipts therefor, and record thereof.

Also, to **R. S. Ch. 6, Sec. 18**, which provides for the disposition to be made of the ballots, etc., on election day, by the town clerk and election officials.

Also, to **R. S. Ch. 6, Sec. 19**, which provides for proceedings in case of loss of ballots.

Also, to **R. S. Ch. 6, Sec. 20**, which permits the municipal officers to divide towns of more than 4000 inhabitants, and wards of cities, into polling districts and for the appointment of election officials and preparation of check lists therefor. (Amended by Ch. 94, Public Laws of 1911).

Also, to **R. S. Ch. 6, Sec. 21**, which provides for the appointment and qualification of election and ballot clerks, and for duplicate check lists for the ballot clerks. (Amended by Ch. 61, Public Laws of 1907, and Ch. 17, Public Laws of 1909).

Also, to **R. S. Ch. 6, Sec. 22**, which provides for voting shelves or compartments, and supplies for voters therein. (Amended by Ch. 148, Public Laws of 1905).

Also, to **R. S. Ch. 6, Sec. 36**, which provides that presiding election officers have the powers of moderators of town meetings.

Also, to **R. S. Ch. 6, Sec. 37**, which provides that if selectmen are absent, others may be chosen pro tempore by the voters.

Also, to **R. S. Ch. 6, Sec. 38**, which provides who shall preside at such election pro tempore.

Also, to **R. S. Ch. 6, Sec. 39**, prescribing the oath, powers and duties of such selectmen pro tempore.

Also, to **R. S. Ch. 6, Sec. 40**, which provides for the place of voting in case of setting off and annexation of territory.

Also, to **R. S. Ch. 6, Sec. 41**, which provides for check lists, a ballot box, and the identification of voters. (Modified by Sections 1, 2 and 3 of 1912 act. See paragraph 104).

Also, to **R. S. Ch. 6, Sec. 44**, which prescribes the construction and use of ballot boxes. (Modified by Sections 1, 2 and 3 of 1912 act. See paragraph 104).

Also, to **R. S. Ch. 6, Sec. 61**, which provides for elections in city wards.

Also, to **R. S. Ch. 6, Sec. 62**, which provides for the election of a warden pro tempore.

Also, to **R. S. Ch. 6, Sec. 63**, which divides the Portland islands into two wards.

Also, to **R. S. Ch. 6, Sec. 64**, which provides for election proceedings in said two wards.

Also, to **R. S. Ch. 6, Sec. 75**, which relates to voters in unincorporated places, and on islands.

Also to **R. S. Ch. 6, Secs. 76 to 100 inclusive**, which provide penalties for various cases of misconduct and neglect at elections. (As to section 91, see Section 14 of 1912 act, paragraph 104).

Also, to **R. S. Ch. 6, Secs. 118 to 122 inclusive**, which regulate election proceedings in plantations.

Also, to **R. S. Ch. 6, Secs. 133 to 136, inclusive**, which regulate voting by citizens absent in military service, but not in the regular army of the United States.

CORRUPT PRACTICES ACT.

Chapter 122, Laws of Maine, 1911.

An Act Concerning Corrupt Practices at Elections, Caucuses, and Primaries.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Scope of Act, and Definition of Terms—The provisions of this act shall apply to the election of all officers for whom ballots shall be cast pursuant to the provisions of chapter six of the Revised Statutes and to the elections of all officers to be voted for by the legislature or either branch thereof, the board of aldermen, municipal officers, common council or city council of any city, to all caucuses and primary elections preliminary to any such other elections and to all candidates to be voted for at such elections, caucuses and primary elections. The term "caucuses and primary elections" shall include: (a) all meetings held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating conventions of such delegates; and (c) caucuses of members of the legislature or either branch thereof, of the board of aldermen, common council or city council of any city. Any person shall be deemed to be a candidate for the office of senator of the United States for whom ten or more votes shall have been cast either at a legislative caucus, or at a regular election by the legislature.

Section 2. "Political Committees" Defined; Definition and Appointment of Treasurers and Political Agents—The term "political committee" shall include every committee or combination of three or more persons to aid or promote the success or defeat of any political party or principle in any such election, or to aid or take part in the nomination or election of any candidate for public office. The term "treasurer" shall include all persons appointed by any political committee to receive or disburse moneys to aid or promote the success or defeat of any such party, principle, or candidate. The term "political agent" shall include all persons appointed by any candidate before any such election, caucus, or primary election to assist him in his candidacy. No person shall act as any such treasurer or political agent unless, after his appointment and before the election for which he is appointed, a writing designating him as such treasurer or political agent shall be filed with the secretary of the state, except that, in case the duties of such treasurer or political agent shall relate to any town, city or ward election exclusively, or to any caucus or primary election preliminary thereto, such writing shall be filed with the town clerk of the town within which such candidate resides instead of with said secretary of the state. Every such writing shall designate the particular period, election, caucus, or primary election during which such treasurership or political agency shall continue. Nothing in this act shall prevent the treasurer or political agent of any organization or candidate from being the treasurer or political agent of any other organization or candidate, and any candidate for public office may designate himself as his own political agent.

Section 3. Campaign Contributions by and to Whom Made—Any person nominated as a candidate for public office may make a voluntary payment of money to any treasurer or political agent; provided, however, that no person other than such a candidate shall, to aid or promote the success or defeat of any political party or principle, or of any candidate for public office, within six months prior to any such election make a contribution of money or property to any person other than to

a treasurer or political agent. Nothing contained in this act shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the results of any such election.

Section 4. Election Expenses How Paid—No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus, or primary election, except that a candidate may pay his own expenses for postage, telegrams, telephones, stationery, printing, express, and traveling; but the provisions of this section shall not apply to non-partisan election and ante-election expenses paid for out of the public moneys of the state, or of any town, city, or other municipality.

Section 5. List of Lawful Expenditures by Treasurers and Political Agents—Subject to the foregoing limitations, it shall be lawful for any treasurer or political agent, in connection with any election, caucus, or primary election, to pay the following expenses: (a) of hiring public halls and music for conventions, public meetings, and public primaries, and for advertising the same by posters or otherwise; (b) of printing and circulating political newspapers, pamphlets, and books; (c) of printing and distributing ballots and pasters; (d) of renting rooms to be used by political committees; (e) of compensating clerks and other persons employed in committee rooms and at the polls; (f) of traveling expenses of political agents, committees and public speakers; (g) of necessary postage, telegrams, telephones, printing, express, and conveyance charges. No treasurer or political agent shall incur any expense for any purpose not authorized by this section.

Section 6. Returns by Treasurers and Political Agents—Within fifteen days after any such election, every treasurer and every political agent shall file an itemized sworn statement with the officer with whom his designation was filed as aforesaid, which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received or by whom it was promised, the amount of every expenditure made or liability incurred, the name of the person to whom such expenditure or promise was made, and shall clearly state the purpose for which such money or property was so expended or promised.

Section 7. Returns by Candidates—Every candidate for public office, including candidates for the office of senator of the United States, shall, within fifteen days after the election at which he was a candidate, file with the secretary of the state, if a candidate for a senator of the United States, representative in Congress, or for any state or county office, state senator, or representative in the legislature, but with the town clerk of the town in which he resides if he was a candidate for a town, city, or ward office, an itemized, sworn statement setting forth in detail all the moneys contributed, expended or promised by him to aid and promote his nomination or election, or both, as the case may be, and all existing unfulfilled promises or liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises, and liabilities were made or incurred before, during, or after such election. If no money or other valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such a statement shall be fined twenty-five dollars for every day on which he is in default, unless he shall be excused by the court. Fifteen days after any such election the secretary of the state or the town clerk, as the case may be, he shall notify the proper prosecuting officer of any failure to file such a statement on the part of any candidate, and within ten days thereafter such prosecuting officer shall proceed to prosecute such candidate for such offense.

Section 8. Preservation of Returns for Public Inspection—All statements filed in accordance with the provisions of this act shall be preserved for fifteen months after the election to which they relate, and shall, during said period, be open to public inspection.

Section 9. Secretary of State to Furnish Blanks—The secretary of the state shall, at the expense of the state, provide every town clerk with blank forms suitable for such treatments. (Note—"Treatments" is evidently a clerical error; should read "statements").

Section 10. Failure to File Return Forfeits Salary—No person elected to any office established by the constitution or laws of this state shall receive any salary or emolument for the period during which he shall have failed to file such statement.

Section 11. Corrupt Practices Defined and Penalty Provided—The following persons shall be guilty of corrupt practices and shall be punished by a fine of not less than fifty nor more than two thousand dollars or by imprisonment for not less than thirty days nor more than two years or by both. (a) Every person who shall directly or indirectly receive, accept, request, or solicit from any person, committee, association, organization, or corporation any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus, or primary election. (b) Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted or promised to the advantage of himself or any other person, shall vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus, or primary election. (c) Every person, other than the political committees known as the national, congressional, state, town, city, or ward, who shall solicit from any candidate for the office of elector of president and vice-president of the United States, of senator of the United States, or representative in Congress, or of any state, county, town, city, or ward office, any money, gift, contribution, emolument, or other valuable thing for the purpose of using the same for the support, assistance, benefit, or expenses of any club, company, or organization, or for the purpose of defraying the cost or expenses of any political campaign or election. (d) Every person who shall, directly or indirectly, pay, give, contribute, or promise any money or other valuable thing, to defray, or towards defraying, the cost or expenses of any campaign or election to any person, committee, company, club, organization, or association other than to a treasurer or political agent; but this sub-section shall not apply to any expenses for postage, telegrams, telephones, stationery, printing, express, or traveling incurred by any candidate for office or for nomination thereto. (e) Every person who, in order to secure or promote his own nomination or election as a candidate for public office, shall, directly or indirectly, promise to appoint or promise to secure or assist in securing the appointment, nomination, or election of any other person to any public position, or to any position of honor, trust, or emolument, provided, however, that any person may publicly announce his own choice or purpose in relation to any appointment, nomination, or election in which he may be called to take part, if he shall be nominated for or elected to any public office. (f) Every person who shall directly or indirectly by himself or through another person, make a payment or promise of payment to a treasurer or political agent, in any other name than his own, and every treasurer or political agent who shall knowingly receive a payment or promise of payment, or enter or cause the same to be entered in his accounts, in any other name than that of the person by whom such payment or promise of payment is made.

Section 12. Judicial Investigations of Corrupt Practices—At any time within thirty days after such election any elector or voter at such election may present to any judge of the supreme judicial or superior courts a petition upon oath, upon information or personal knowledge that corrupt practices, contrary to the provisions of any section of this act, were committed at or preliminary to such election, naming the successful candidate as defendant, and praying that the facts alleged may

be inquired into. If such judge shall be of the opinion that the interests of public justice require such proceeding, he shall order reasonable notice of such petition to be given the defendant and shall notify the chief justice of the supreme judicial court of such petition. The chief justice shall designate an additional judge to hear such petition in conjunction with the judge to whom the petition was presented, and, in case of the latter's disqualification or inability, the chief justice shall appoint two judges to hear such petition. Such petition shall be tried without a jury, and the petitioner and all candidates at such election shall be entitled to appear and be heard as parties. In case such petition relates to the election of electors or* president and vice-president of the United States, a senator of the United States, a representative in congress or in the legislature, the trial judges shall have no power to declare any such election to be void, but shall file their joint finding as to whether or not the successful candidate, or his political agent, was so guilty of corrupt practices, with the secretary of the state, together with the transcript of the evidence. In case such petition relates to any other office, the trial judges shall file with the governor their joint decision as to whether or not the successful candidate, or his political agent, was so guilty of corrupt practices, and as to whether or not such election was void as hereinafter provided. If said judges differ as to whether any such candidate, in person or in the person of his political agent, was so guilty, or whether any such election was so void, they shall so certify to the secretary of the state, or to the governor, as the case may be, and they shall also file a transcript of the evidence with such certificate. In case any such joint decision so to be filed with the governor shall decide that any such successful candidate, so petitioned against, was, in person or in the person of his political agent, so guilty of corrupt practices, such election shall be void, except as hereinafter provided; and in case of any such void election, the governor shall, within ten days after the receipt of such decision, issue a writ for a new election to be held within forty days after the issuance of such writ. If any candidate shall have been so jointly found or decided to have been so guilty, in person, of corrupt practices, he shall be ineligible to election or appointment to any public office for the period of four years; but the mere finding or decision that his political agent was so guilty shall not render him ineligible to office. But where the trial judges or one of them shall decide or certify that any such successful candidate was guilty of corrupt practices only in the person of his agent, and that (a) no corrupt practice was committed by the candidate personally and the offense was committed contrary to his order and without his sanction or connivance; (b) such candidate took all reasonable means for preventing the commission of corrupt practices; (c) the offense was of a trivial, unimportant, and limited character; and (d) in all other respects such election was free from any corrupt practice on the part of such candidate, and of his political agents, then the election of such candidate shall not be void, nor shall the candidate be subject to any ineligibility therefor. Costs may be taxed as in equity, and the trial judges shall have power to tax double, treble, or quadruple costs against the petitioner if they shall find that the allegations of his petition are materially untrue, and that his petition was brought from vexatious or malicious motives. An appeal may be had on questions of law from any decision relative to the ineligibility to public office of any such candidate, but no appeal shall lie from any decision holding that any such election was or was not void.

Approved March 29, 1911.

* Evidently a typographical error. Should be "of".

FEDERAL ACT.

"An Act Providing for Publicity of Contributions made for the purpose of influencing Elections at which Representatives in Congress are elected," approved June 25, 1910, (36 U. S. Statutes at Large, Ch. 392), as amended by **"An Act to amend an act entitled 'An Act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses."** (Approved August 19, 1911).

Section 1. Scope of the Term "Political Committee"—Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "political committee" under the provisions of this Act shall include the national committees of all political parties and the national congressional campaign committees of all political parties and all committees, associations, or organizations which shall in two or more states influence the result or attempt to influence the result of an election at which Representatives in Congress are to be elected.

Section 2. Necessary Officers; Treasurer to Keep Accounts—That every political committee as defined in this Act shall have a chairman and a treasurer. It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent received by or promised to such committee or any member thereof, or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association, or committee from whom received, and of all expenditures, disbursements, and promises of payment or disbursement made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed, or disbursed. No officer or member of such committee, or other person acting under its authority or in its behalf, shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee, until after a chairman and treasurer of such committee shall have been chosen.

Section 3. Vouchers for Bills Exceeding \$10; Preservation Thereof—That every payment or disbursement made by a political committee exceeding ten dollars in amount be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt, or account shall be preserved for fifteen months after the election to which it relates.

Section 4. Duties with Regard to Contributions—That whoever, acting under the authority or in behalf of such political committee, whether as a member thereof or otherwise, receives any contribution, payment, loan, gift, advance, deposit, or promise of money or its equivalent shall, on demand, and in any event within five days after the receipt of such contribution, payment, loan, gift, advance, deposit, or promise, render to the treasurer of such political committee a detailed account of the same, together with the name and address from whom received, and said treasurer shall forthwith enter the same in a ledger or record to be kept by him for that purpose.

Section 5. Statements of Accounts by Treasurer—That the treasurer of every such political committee shall, not more than fifteen days and not less than ten days next before an election at which Representatives in Congress are to be elected in two or more states, file in the office of

the Clerk of the House of Representatives at Washington, District of Columbia, with said Clerk, an itemized detailed statement; and on each sixth day thereafter until such election said treasurer shall file with said Clerk a supplemental itemized detailed statement. Each of said statements shall conform to the requirements of the following section of this Act, except that the supplemental statement herein required need not contain any item of which publicity is given in a previous statement. Each of said statements shall be full and complete, and shall be signed and sworn to by said treasurer.

It shall also be the duty of said treasurer to file a similar statement with said Clerk within thirty days after such election, such final statement also to be signed and sworn to by said treasurer and to conform to the requirements of the following section of this Act. The statements so filed with the Clerk of the House shall be preserved by him for fifteen months and shall be a part of the public records of his office and shall be open to public inspection.

Section 6. Details of Such Statements—That the statements required by the preceding section of this Act shall state:

First. The name and address of each person, firm, association, or committee who or which has contributed, promised, loaned, or advanced to such political committee, or any officer, member, or agent thereof, either in one or more items, money or its equivalent of the aggregate amount or value of one hundred dollars or more, and the amount or sum contributed, promised, loaned, or advanced by each.

Second. The aggregate sum contributed, promised, loaned, or advanced to such political committee, or to any officer, member, or agent thereof, in amounts of less than one hundred dollars.

Third. The total sum of all contributions, promises, loans, and advances received by such political committee or any officer, member, or agent thereof.

Fourth. The name and address of each person, firm, association, or committee to whom such political committee, or any officer, member, or agent thereof, has distributed, disbursed, contributed, loaned, advanced, or promised any sum of money or its equivalent of the amount or value of ten dollars or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, or promised to each, and the purpose thereof.

Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, or promise to any one person, firm, association, or committee in one or more items is less than ten dollars.

Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof.

Section 7.—All Persons Expending or Promising \$50 or More to File Statement—That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to fifty dollars or more for the purpose of influencing or controlling, in two or more states, the result of an election at which Representatives to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file the statements of the same under oath, as required by section six of this Act, in the office of the Clerk of the House of Representatives, at Washington, District of Columbia, which statements shall be held by said Clerk in all respects as required by section five of this Act.

Section 8. Candidates for U. S. Representative and Senator to File Statements; Certain Acts Prohibited—The word "candidate" as used in this section shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or for indorse-

ment or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected.

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than ten nor more than fifteen days before the day for holding such primary election or nominating convention, and not less than ten nor more than fifteen days before the day of the general or special election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives at Washington, District of Columbia, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election.

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, or election by the legislature of any state, as Senator in the Congress of the United States, shall, not less than ten nor more than fifteen days before the day for holding such primary election or nominating convention, and not less than ten nor more than fifteen days before the day of the general or special election at which he is seeking indorsement, and not less than five nor more than ten days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as Senator, file with the Secretary of the Senate at Washington, District of Columbia, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any state, shall, within fifteen days after such primary election or nominating convention, and within thirty days after any such general or special election, and within thirty days after the day upon which the legislature shall have elected a Senator, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, general or special election, or election by the legislature, together with

the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

Every such candidate shall include therein a statement of every promise or pledge made by him, or by any one for him with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election or election by the legislature, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, state, or nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made the name or names, the address or addresses, and the occupation or occupations, of the person or persons to whom such promise or pledge shall have been made, shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate, that fact shall be distinctly stated.

No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; nor shall any candidate for Senator of the United States give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the state in which he resides: Provided, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding five thousand dollars in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding ten thousand dollars in any campaign for his nomination and election: Provided further, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the state in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election or election by the legislature shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

Any person, not then a candidate for Senator of the United States,

who shall have given, contributed, expended, used, or promised any money or thing of value to aid or assist in the nomination or election of any particular member of the legislature of the State in which he resides, shall, if he thereafter becomes a candidate for such office, or if he shall thereafter be elected to such office without becoming a candidate therefor, comply with all of the provisions of this section relating to candidates for such office, so far as the same may be applicable; and the statement herein required to be made, verified, and filed after such election shall contain a full, true, and itemized account of each and every gift, contribution, expenditure, and promise whenever made, in any wise relating to the nomination or election of members of the legislature of said state, or in any wise connected with or pertaining to his nomination and election of which publicity is not given in a previous statement.

Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths under the laws of the state in which he is a candidate, and shall be sworn to or affirmed by the candidate in the district in which he is a candidate for Representative, or the state in which he is a candidate for Senator in the Congress of the United States: Provided, That if at the time of such primary election, nominating convention, general or special election, or election by the State legislature said candidate shall be in attendance upon either House of Congress as a member thereof, he may at his election verify such statements before any officer authorized to administer oaths in the District of Columbia: Provided further: That the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, duly stamped and registered within the time required herein shall be deemed a sufficient filing of any such statement under any of the provisions of this Act.

This Act shall not be construed to annul or vitiate the laws of any state, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such state laws.

Section 9. Certain Expenditures Excepted from Provisions of Section 7—That any person may in connection with such election incur and pay from his own private funds for the purpose of influencing or controlling, in two or more states, the results of an election at which Representatives to the Congress of the United States are elected, all necessary personal expenses for his traveling, for stationery, and postage, and for telegraph and telephone service without being subject to the provisions of this Act.

Section 10. Certain Legal Expenses Authorized—That nothing contained in this Act shall limit or affect the right of any person to spend money for proper legal expenses in maintaining or contesting the results of any election.

Section 11. Penalty for Violating Provisions of Act—That every person wilfully violating any of the foregoing provisions of this Act shall, upon conviction, be fined not more than one thousand dollars or imprisoned not more than one year, or both.

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